

The U.S. Food and Drug Administration on Thursday approved Marathon's drug, a corticosteroid called deflazacort, to treat a rare type of muscular dystrophy that affects some 12,000 boys in the U.S., most of whom die in their 20s and 30s. The drug isn't a cure, but it has been shown to improve muscle strength, the FDA said in a statement announcing the approval. The drug wasn't sold in the U.S. mainly because no company thought it would be profitable enough to warrant the effort of seeking FDA approval. (Walker, 2/10)

Meanwhile, one senator is looking into loopholes surrounding orphan drugs —

Stat: Grassley Opens Investigation Into Loopholes In Orphan Drug Law
Amid rising concern over prescription drug pricing, Senator Chuck Grassley (R-Iowa) has begun an investigation into whether drug makers are exploiting loopholes to widen the market for so-called orphan drugs. The move comes after accelerating scrutiny of this lucrative corner of the pharmaceutical market. Under the Orphan Drug Act, which was passed in 1983, the Food and Drug Administration began approving medicines to treat rare diseases that affect fewer than 200,000 people. The incentives to fill these unmet medical needs include tax credits and seven years of exclusive marketing rights. (Silverman, 2/10)

Kaiser Health News: Grassley Launches Inquiry Into Orphan Drugs After KHN Investigation

Republican Sen. Chuck Grassley, chairman of the Senate Judiciary Committee, has opened an inquiry into potential abuses of the Orphan Drug Act that may have contributed to high prices on commonly used drugs. In a statement, Grassley said the inquiry is "based on reporting from Kaiser Health News" and strong consumer concern about high drug prices. (Tribble, 2/10)

Read more from KHN on orphan drugs.

PUBLIC HEALTH AND EDUCATION

15. As White America Comes Out Of Shadows On Opioid Abuse, People Of Color Remain Hidden

More and more, white Americans are putting faces to the opioid epidemic through explicit obituaries, interviews and letters to lawmakers. However, blacks, Latinos, Asians, and Native Americans are noticeably absent, which represents a larger trend with the crisis itself. Meanwhile, the Affordable Care Act helped expand treatment for substance abuse, and some worry what will happen if the law is dismantled.

Stat: 'We Never Talked About It': As Opioid Deaths Rise, Families Of Color Stay Silent
There's a new honesty these days about drug abuse. In obituaries, media interviews, and letters to lawmakers, families that have lost loved ones to overdoses are naming the drugs that killed them. As more and more people emerge from the shadows to put a face on the nation's opioid epidemic, however, faces of color are notably absent. In part that reflects the makeup of the epidemic itself: While deaths among white Americans have soared, those among blacks and Latinos have stayed relatively steady. (Samuel, 2/13)

The New York Times: Addiction Treatment Grew Under Health Law. Now What?
Chad Diaz began using heroin when he was 12. Now 36 and newly covered by Medicaid under the Affordable Care Act, he is on Suboxone, a substitute opioid that eases withdrawal symptoms and cravings, and he is slowly pulling himself together. "This is the best my life has gone in many, many years," Mr. Diaz, a big man wearing camouflage, said as he sat in a community health center here. If Congress and President Trump succeed in dismantling the Affordable Care Act, he will have no insurance to pay for his medication or counseling, and he fears he will slide back to heroin. (Seelye and Goodnough, 2/10)

In other news on the epidemic —

Stat: Former Rep. Frank Guinta Seen As Possible Trump 'Drug Czar'
Frank Guinta, a former New Hampshire lawmaker who helped create an opioid crisis task force in Congress, has discussed serving as President Donald Trump's "drug czar" with Trump's team, according to several individuals familiar with the discussions. Since the election, Guinta has spoken with top Trump aides about serving as director of the Office of National Drug Control Policy — a position colloquially known as the nation's "drug czar"— multiple individuals, speaking on condition of anonymity, told STAT this week. (Scott, 2/10)

The Wall Street Journal: New Jersey Finds Challenge To Combating Addiction Crisis
New Jersey Gov. Chris Christie has staked his final year as governor on tackling the state's addiction crisis, but efforts under way in the state show how difficult that task is. Citing long waiting lists at many treatment centers, Mr. Christie wants to increase the availability of both inpatient and outpatient treatment programs. The governor has urged the state legislature to pass laws limiting the quantity of opioids doctors can prescribe and mandating insurance coverage for addiction treatment. (King, 2/11)

Boston Globe: Taunton Confronts Opioid Epidemic As Deaths Continue To Rise In City
As the opioid epidemic escalated three years ago into a statewide public health emergency, Taunton boldly came forward and confronted the problem in a public way.

A key moment came in February 2014, when Massachusetts Senator Edward J. Markey and the White House drug czar held a press conference about the crisis at a city fire station. As if to underscore the situation's urgency, firefighters were dispatched to a reported overdose during the session. Despite the city's direct approach, the number of people killed every year by opioids has grown over the past three years. (Crimaldi, 2/10)

Columbus Dispatch: State Task Force Recommends Schools Educate All Grade Levels On Substance Abuse

Teaching students of all ages social and emotional learning is a crucial step toward combating Ohio's drug addiction crisis, Attorney General Mike DeWine suggests. The Ohio Joint Study Committee on Drug Use Prevention Education issued 15 recommendations Friday for schools across the state. These include requiring schools to report how they are teaching students to resist drug abuse. (Tenbarge, 2/10)

16. Depression In Teens Is Soaring -- And It's Hitting Girls Particularly Hard

There's now about a half million more depressed teens than in the early 2000s, and three-fourths of those participants in the study were girls. In other public health news, the fight against C. diff, FluMist, baby boxes, art therapy and fear of death.

NPR: Depression Hits Teen Girls Especially Hard, And High Social Media Use Doesn't Help

It's tough to be a teenager. Hormones kick in, peer pressures escalate and academic expectations loom large. Kids become more aware of their environment in the teen years — down the block and online. The whole mix of changes can increase stress, anxiety and the risk of depression among all teens, research has long shown. But a recent study published in the journal Pediatrics suggests many more teenage girls in the U.S. may be experiencing major depressive episodes at this age than boys. (Neighmond, 2/13)

The New York Times: Doctors See Gains Against 'An Urgent Threat,' C. Diff
Tom Bocci's encounter with a bacterium he had never heard of began in April, when his doctor suggested a test for prostate cancer. Because the results appeared slightly abnormal, Mr. Bocci underwent a biopsy, taking antibiotics beforehand as a standard precaution against infection. There was no problem with his prostate, it turned out. But a few days later, Mr. Bocci developed severe diarrhea, fever and vomiting. He grew dehydrated. Five days afterward, in a hospital emergency room, doctors diagnosed a *Clostridium difficile* infection. (Span, 2/10)

Stat: FluMist Mystery: Why Was It So Weak, And Only In US Studies?

It's been a perplexing puzzle in the flu vaccine world — what's going on with FluMist? The Advisory Committee on Immunization Practices said last June that the live-attenuated vaccine, made by MedImmune (a division of AstraZeneca) should not be used this flu season because some US studies from three recent years suggested it offered poor or no protection in children aged 2 to 17. (Branswell, 2/13)

The New York Times: Baby In A Box? Free Cardboard Bassinets Encourage Safe Sleeping

Jernica Quiñones, a mother of five, was the first parent in New Jersey to get her free baby box — a portable, low-tech bassinet made of laminated cardboard. But first, she had to take an online course about safe sleeping practices, which experts say can sharply reduce the chances of sudden infant death syndrome. = 2Basically, you want to have the baby on the mattress, and that's it," she said after watching a 20-minute series of videos. (Foderao, 2/12)

The New York Times: Karen Pence Picks A Cause, And Art Therapists Feel Angst

Although art therapy is offered by a number of established medical centers, many Americans don't know much about it. Art therapy is a form of psychotherapy where mental health professionals use art materials to help patients explore feelings that may not be easy to express in words. Almost overnight, the field has attracted new attention because of a connection with the Trump administration. On Inauguration Day, Karen Pence, the second lady, announced on the newly revamped White House website that she wants to shine a "spotlight on the mental health profession of art therapy." (Saint Louis, 2/10)

Kaiser Health News: Death Doesn't Have To Be So Scary

Most people prefer not to think about death, much less plan for it. In a tech-crazed world, where time is commonly measured in 140 characters and 6-second sound bites, life would appear to be dissected into so many bite-sized morsels that discussion of death doesn't even seem to fit into the equation. "Everybody has a fear of death, no matter what culture, religion or country they come from," said Kelvin Chin, author of "Overcoming the Fear of Death" and founder of the Overcoming the Fear of Death Foundation and the non-profit turningwithin.org. "Fear is simply an emotion caused by the anticipation of unhappiness." (Horovitz, 2/13)

MARKETPLACE

17. States Begin To Assess Effects Of Judge's Decision To Block Anthem-Cigna Merger

Officials and news outlets in Colorado and New Hampshire, two states that opposed the merger, review the situation.

Denver Post: A Judge Blocked The Anthem-Cigna Health Insurance Merger. What Does That Mean For Colorado?

Individual insurance plans account for only about 8 percent of the market in Colorado. But Anthem, and to a lesser extent Cigna, are also players in the employer-sponsored insurance world — which is 50 percent of the state's insurance market. In 2014, Anthem — listed under its previous name, Wellpoint — was the largest insurer in the state's small group market and the second-largest in the large group market, according to a report by the Kaiser Family Foundation, a nonprofit group that is not affiliated with the insurer and health care provider Kaiser Permanente. (Ingold, 2/11)

New Hampshire Union Leader: Anthem Pushes Appeal, NH AG Celebrates Cigna Merger Defeat

New Hampshire Attorney General Joseph Foster said it marks a big victory for consumers, since his office, along with the AGs from 10 other states and the District of Columbia, brought the civil lawsuit, aimed at torpedoing the merger. "The court's decision is a tremendous win for consumers, employers, health-care providers, and other health insurers who compete in this state," Foster said in a statement. "New Hampshire already has too few competitors in the health insurance market. Anthem and Cigna directly compete in important segments of the New Hampshire market, offering different approaches for fostering improved health care at lower costs." (Landrigan, 2/11)

18. Hospital Roundup: Preventing Avoidable Errors; Executive Incentives To Improve Quality

Other industry news relates to a Chinese eye hospital chain planning to enter the U.S. market, Ohio facilities joining to create a new trauma care network and a Florida hospital partnering with a Brazilian company to help patients with disabilities.

Stat: A Millionaire's Mission: Get Hospitals To Stop Killing Their Patients

Joe Kiani likes to point out that the most worn spot on most medical monitoring devices is the mute button. ... His tech fix — if widely implemented — could bring order to the cacophony of beeps, buzzes, and blaring alarms that can so overwhelm nurses and doctors that they push "mute" and miss true emergencies. It could make it easier for staff to monitor patients with complex needs. And it could flag, in advance, potentially fatal errors like incorrect dosing and drug allergies. (McFarling, 2/13)

Modern Healthcare: Paying For Population Health

Trinity Health system executives take home heftier paychecks when they keep patients healthy and out of the hospital. The annual incentive pay for each executive, including the 93-hospital system's CEO, is docked if Trinity's total patient population doesn't show reduced rates of obesity, smoking, readmissions and hospital-acquired conditions. Hitting financial targets, on the other hand, receives little weight in the incentive plan. Trinity's strategy is a sharp departure from the status quo of CEO pay packages where financial incentives have long dominated. But it is a surefire way to focus top leaders' attention on the health system's mission to deliver better outcomes and lower costs to patients in the 22 states where it operates. (Livingston, 2/11)

Nashville Tennessean: Dr. Ming Wang To Lead Chinese Eye Hospital Chain's U.S. Expansion

Fast-growing Chinese eye hospital chain Aier Eye Hospital plans to enter the U.S. market this year, with headquarters in Nashville and a long-term goal to open eye clinics across the country. Leading eye surgeon Dr. Ming Wang of Wang Vision Institute has been tapped as CEO of Aier-USA. The company established a holding company in the U.S., with a starting fund of \$50 million. Wang's association with Aier dates back 15 years, when the company was a small private eye hospital trying to gain a foothold in China's health care market, where the vast majority of hospitals are controlled by the government. (Alfs, 2/10)

Cleveland Plain Dealer: Major Hospitals Join Together For A Trauma Care Network: Strong Points

Cleveland Clinic, MetroHealth and University Hospitals have joined together to create a new Northern Ohio Trauma System (NOTS), which will provide coordinated trauma care to patients throughout Cuyahoga County and the seven-county Northeast Ohio region. As part of this enhanced trauma network, University Hospitals is adding its trauma expertise to NOTS. The NOTS network was originally formed in 2010 between MetroHealth and Cleveland Clinic, and NOTS assisted the City of Cleveland public safety forces to get the right patient to the right place at the right time for their care. (MacFarland, 2/10)

Orlando Sentinel: Florida Hospital Partners With Brazilian Company Livox

In the speech and language impairment world, Livox falls under the umbrella of augmentative and alternative communication, or AAC. The systems help people with disabilities and impaired communication express themselves despite conditions such as autism, stroke, cerebral palsy or even cancer. The devices can be sophisticated and expensive, such as the one Stephen Hawking uses. Or they can be much simpler apps with images, which produce sentences and phrases when pressed by the user. Livox is

more user-friendly and easier to customize than other apps available on the market, according to families and speech therapists who use it. (Miller, 2/13)

MEDICAID

19. Providers Warn Mass. Gov. That Plan To Cut Medicaid May Affect Home Health Services

Home health agencies say the governor's plan to rein in Medicaid spending with a trim in reimbursements would mean that they would stop sending nurses to homes to check on patients with chronic illnesses and that would shift more people into long-term care facilities. Also, news outlets report on Medicaid developments in Kansas and New Jersey.

Boston Globe: Medicaid Cut Could Scale Back Nurses' Visits To Patients' Homes
The Baker administration wants to cut how much the state pays for long-term home nursing care, a move to contain medical spending. But that may leave thousands of patients without the services they need, home health agencies warn. Leaders of several agencies said the proposed 25 percent rate cut would make it unaffordable for them to continue sending nurses to the homes of people with complex, chronic conditions like diabetes, heart disease, and schizophrenia. Patients may lose access to nursing services at home, and they could end up in nursing homes, the agencies said. (Dayla McCluskey, 2/12)

KCUR (Kansas City, Mo., Public Radio): KanCare Expansion Opponents Urge Lawmakers To Learn From Other States' Mistakes
The message delivered to a legislative committee Thursday by opponents of expanding Medicaid eligibility in Kansas boiled down to this: Expansion has been a disaster in the states that have enacted it, so don't do it. Gregg Pfister, legislative relations director for the Florida-based Foundation for Government Accountability, ticked through a list of expansion states where costs and enrollment significantly exceeded projections. (McLean, 2/10)

NJ Spotlight: Audit Confirms What Patients Have Long Said: Medicaid Doctors Hard To Find

Advocates for low-income patients have long insisted that medical care is harder to find than it looks on paper. A recent state audit seems to have proved them right, identifying numerous inaccuracies on lists of Medicaid providers that insurance companies have submitted to regulators and posted online for policy holders. In reviewing filings from recent years, State Auditor Stephen Eells — whose office is part of the nonpartisan Office of Legislative Services — discovered hundreds of situations where doctors,

dentists and other specialists were not practicing at the locations listed in insurance materials provided to the state or available to patients. (Stainton, 2/13)

STATE WATCH

20. State Highlights: Ga. Provider Fee Renewal Legislation Gains Final OK; In N.J., Religious Exemptions For Childhood Vaccinations On The Rise

Outlets report on news from Georgia, New Jersey, District of Columbia, California, Minnesota, Kansas, Florida, Ohio, Iowa, Texas and Connecticut.

Atlanta Journal Constitution: Hospital 'Provider Fee' Gains Final Legislative Approval
Legislation needed to renew a fee on Georgia hospitals to help close a more than \$900 million gap in Medicaid funding is on its way to Gov. Nathan Deal's desk. The state House on Friday voted 152-14 to give final approval to Senate Bill 70, which authorizes the Department of Community Health board to levy the fee for another three years. The board is expected to do so quickly if Deal signs the bill into law, as expected. (Gould Sheinin, 2/10)

Press of Atlantic City: Religious Vaccine Exemptions On The Rise In New Jersey
More parents in New Jersey are choosing religious exemptions for child vaccinations, resulting in a steady increase in unvaccinated schoolchildren. The number of state religious exemptions among children in primary school more than doubled within a six-year period. (Leonard, 2/12)

The Associated Press: House Moving To Block DC 'Death With Dignity' Law
A House committee is taking up an unusual resolution that would invalidate a local law in the nation's capital. The House Oversight Committee will vote Monday on whether to send a resolution to the House floor blocking the District of Columbia's "Death with Dignity" law. Oversight chairman Jason Chaffetz, a Utah Republican, has vowed to stop the law, calling it "misguided" and immoral. (2/13)

Stat: California's Criminal Penalties For HIV Transmission Could Be Rolled Back
The state legislature decided in 1988 that somebody who donated blood while knowingly HIV-positive could be punished with up to six years in prison. Ten years later, it became a felony to have unprotected sex with the intent of transmitting HIV to a partner. Now, in 2017, a group of Democratic state lawmakers say times have changed — not that those behaviors shouldn't be illegal, but that HIV/AIDS shouldn't be singled out. Under California's newly introduced Senate Bill 239, intentionally transmitting any

infectious or communicable disease, including HIV, would be a misdemeanor, not a felony. (Facher, 2/13)

The Star Tribune: Advocates For Disabled Send A Distress Signal To Legislators
A group of individuals with disabilities, many in wheelchairs, testified at a state Senate hearing last week that Minnesota needs urgent measures to expand the supply of workers who care for tens of thousands of vulnerable adults and children in their homes. The state-funded personal care assistance program, they argue, has not kept pace with burgeoning demand and a more competitive labor market, thrusting many people with complex health needs into life-or-death situations. (Serres, 2/11)

KCUR: More Funding For Mental Health, Disability, Senior Services In Kansas: None Of The Above?

A Kansas House committee overseeing budgets for social services offered appreciation to programs serving the elderly and people with disabilities or mental illnesses. Legislators may not be able to offer much more than that. Rep. Barbara Ballard, ranking minority member on the House Social Services Budget Committee, suggested members approve \$250,000 to fund services for seniors, such as bathing and assistance with housework. The funds wouldn't begin to make up for \$2.1 million in cuts to Senior Care Act services last year, she said, but would help Area Agencies on Aging chip away at their waiting lists. (Wingerter, 2/10)

Orlando Sentinel: UCF Helps First Responders Fight PTSD, Pulse Flashbacks
For some, it's the scent of tequila or the sound of an iPhone ringing. Hearts race, breathing sharpens, palms sweat and suddenly, they're back at the scene of the most traumatic event most are lucky enough never to have to see. Some Pulse nightclub terror attack first responders say post-traumatic stress disorder triggers can show up in everyday settings, but the University of Central Florida's Dr. Deborah Beidel says they don't have to stop sufferers from living their lives. (Doornbos, 2/10)

Columbus Dispatch: State Aid To Vastly Expand Ohio State Program For Victims Of Traumatic Stress

Crawford was seeing a counselor, but it wasn't helping. Then her husband told her about the Stress, Trauma and Resilience program, or STAR, at Ohio State University's Wexner Medical Center, where Crawford learned ways to cope with her anxiety so she could function again. "It absolutely changed my life," said Crawford, now 30. The program, started eight years ago, offers psychological treatment to people affected by crime and other traumas. It's on the verge of expanding with an \$839,335 grant from the Ohio attorney general's office that will more than quadruple the budget. (Viviano, 2/12)

Des Moines Register: Health Care Stripped From Collective Bargaining As Statewide Insurance Plan Takes Shape

Sweeping changes proposed to Iowa's collective bargaining laws would block most public-sector unions from negotiating over health insurance, though they stop short of instituting a mandatory statewide health insurance system Gov. Terry Branstad has floated. Republican leaders say they considered including such a plan in the legislation, but felt it could be too restrictive. Instead, the bill leaves open the possibility for a voluntary statewide health insurance program that employers could opt into. (Pfannenstiel, 2/10)

California Healthline: California Regulator Slams Health Insurers Over Faulty Doctor Lists

California's biggest health insurers reported inaccurate information to the state on which doctors are in their networks, offering conflicting lists that differed by several thousand physicians, according to a new state report. Shelley Rouillard, director of the California Department of Managed Health Care, said 36 of 40 health insurers she reviewed — including industry giants like Aetna and UnitedHealthcare — could face fines for failing to submit accurate data or comply with state rules. (Terhune, 2/10)

Cleveland Plain Dealer: Painesville's Latino Community Rallies Around Neighbor After Brain Surgery

Juan [Horta] was diagnosed with xanthoastrocytoma, an uncommon and aggressive brain tumor. Stage three. A surgeon at University Hospitals removed the tumor, and Juan was sent to a nursing home to recover. Caesar, and his mother, Maria Guillen, visited daily. They noticed what Caesar called "a ball" on the back of Juan's neck, and it was getting bigger by the day. On the fifth day, Juan was unresponsive. The "ball" was filled with cerebrospinal fluid, and Juan needed another surgery to insert a shunt... As an undocumented immigrant, he is not qualified for public benefits, including Medicaid. Government programs require proof of legal immigration. Once that proof is supplied, it is still five years before immigrants can apply for assistance. (Ischay, 2/11)

Health News Florida: Florida Lawmakers Move Forward On Effort To Require Autism Law Enforcement Training

A bill requiring autism awareness training for law enforcement officers is starting to move in both chambers of the Florida Legislature. It comes after a high profile incident that occurred in South Florida last year involving a black man, an autistic man, and law enforcement. (Cordner, 2/12)

Texas Tribune: How Texas Pimps Recruit And Sell Underage Girls For Sex

Texas Tribune reporters talked to three convicted traffickers to try to understand the power they wield over victims and the attraction of what they call "the lifestyle." They

explained how vulnerable kids end up in the sex trade and how the business works. The interviews also revealed a common thread between pimps and their victims: the poverty and violence in their backgrounds. (Walters, Satija and Smith, 2/13)

New Haven Independent: Cigarette Tax Hike: Promoting Health Or Penalizing The Poor?

The two New Haven state representatives offered those takes Wednesday after Gov. Dannel P. Malloy proposed a \$40.6 billion two-year budget that included raising the taxes on a pack of cigarettes by 45 cents, to bring the total cost to \$4.35... The problem, argued Rep. Porter, whose district includes New Haven's Newhallville neighborhood, is that it can also end up punishing poor people for their patterns of addiction without offering alternative treatment programs or therapies, like smoking cessation counseling. Lower-income people smoke at disproportionately higher rates. (Gellman, 2/13)

EDITORIALS AND OPINIONS

21. Perspectives On Obamacare And The Current State Of Health Policy Chaos, Confusion, Shifts And Opportunities

Opinion writers take stock of where things stand with the GOP's effort to undo the health law.

San Jose Mercury News: Trump, GOP Court Health Care Chaos

Donald Trump and Republicans in Congress have one thing in common: After years of trashing Obamacare, they don't have a clue how to craft anything better. So the president is now saying that repealing and replacing the Affordable Care Act — which he promised to do instantly when he took office — may not happen until next year. Why? Because it's next to impossible to devise a system based on private insurers that is cheaper, covers as many Americans and provides better medical outcomes than the ACA. (2/10)

Forbes: GOP Grand Scheme On Obamacare Repeal & Tax Reform Quickly Going South

The GOP strategy on quickly repealing the Affordable Care Act and enacting tax reform that seemed to be so creative and smart when it was first revealed right after the election may soon become the prime source of legislative hell for House and Senate Republicans. Knowing that a Senate filibuster was virtually certain on ACA repeal and highly probable on tax reform, the GOP plan was to use the reconciliation process -- which prevents filibusters -- to pass them both. (Stan Collender, 2/12)

The Washington Post: Six Steps For The GOP To Get Its Act Together On Obamacare 'Repeal And Replace'

The Post reports on the confirmation of Rep. Tom Price (R-Ga.) as secretary of the Department of Health and Human Services. ... This is the sole development to date on the Obamacare front that could be characterized as a win for Republicans, who promised voters they'd repeal every word of the Affordable Care Act — and replace with a system that offers lower costs, more flexibility, better care and repeal of ACA-related taxes. So far, the effort has been semi-disastrous, raising questions about whether Republicans can manage to devise and agree upon a replacement that will attract the eight Democratic senators needed for cloture. Republicans would be well-advised to abide by a number of simple rules. (Jennifer Rubin, 2/10)

The Washington Post: This Remarkable Town Hall Exchange Shows How Much The Obamacare Debate Has Shifted

M.J. Lee of CNN has flagged a great moment at a town hall meeting with GOP Rep. Diane Black that has gone viral because it shows a constituent making an impassioned case for, of all things, the Affordable Care Act's individual mandate. As some immediately pointed out, Democrats could learn from this kind of messaging. But the moment is notable for another reason, too: The answer offered by Rep. Black shows how much the debate over the health care law has shifted, in favor of the health law. (Greg Sargent, 2/10)

Stat: Trump Administration's Plan To Tinker With Medicaid Will Be A Tricky Task
Medicaid is a highly complex program that provides vital care for a broad array of individuals. There are no easy solutions when it comes to reducing its costs. Changing Medicaid, just like reforming health care, is at best an incremental process, particularly when one considers the new populations now covered by the program as a result of the ACA, such as families in which an adult is employed but in a lower-income job. It has often been said that there are two ways to lower Medicaid costs: reduce eligibility to the program or cut the services provided. Neither are attractive options. Turning the program into block grants firmly delegates decisions on that dilemma to the states. (Gerard Vitti, 2/10)

Los Angeles Times: With Billions At Stake, A Federal Judge Just Nullified The GOP's Most Cynical Attack On Obamacare

Moda Health, a small Oregon health insurer, just won a \$214-million judgment against the federal government. Normally that wouldn't be worth reporting, except that in awarding Moda the money, the federal judge in the case dismantled the most cynical attack on the Affordable Care Act that Congressional Republicans had devised. The issue was the ACA's risk corridor program, which was devised to shelter insurers from unexpected losses in covering ACA customers from 2014 through 2016. To

encourage insurers to enter an entirely novel market, the program aimed to balance risks by taking profits from insurers that turned out to be unexpectedly profitable and use the funds to cushion others' losses. (Michael Hiltzik, 2/10)

Miami Herald: Affordable Healthcare A Must In Florida

The debate about what to do with the Affordable Care Act feels overwhelming to a lot of people. Repeal. Don't repeal. Replace. With what? What does all this uncertainty mean to us in Florida? As healthcare professionals at Florida's largest public hospital — Jackson Health System — I and many of my colleagues are frankly terrified by the possibilities. (Martha Baker, 2/10)

Lexington Herald Leader: Health-Law Repeal Means Cuts In Autism Care

In a Jan. 6 letter to Republican representatives in Congress, Gov. Matt Bevin asked them to throw out the Affordable Care Act, saying regulation of health insurance should be given back to individual states. Bevin is advocating sending us back to the time when individuals with chronic medical conditions and disabilities had to beg legislators to get even minimal coverage for their conditions, when insurance-industry lobbyists decided what they could tolerate and then strongly encouraged legislators as to how to vote. (Wendy Wheeler-Mullins, 2/10)

22. Viewpoints: Drug Companies 'Risky' Idea; Scrapping Rule On Guns And Mental Illness Is 'A Bad Move'

A selection of opinions on health care from around the country.

Los Angeles Times: Speedy Drug Approvals Are Risky, But Drug Companies Have Another Idea That's Just Terrible

At a recent meeting with pharmaceutical-industry bigwigs, President Trump declared that "we're going to be cutting regulations at a level that nobody's ever seen before." He also said that "we're going to have tremendous protection for the people." It's hard to see how he can do both. (David Lazarus, 2/10)

Chicago Tribune: Guns And Mental Illness: Don't Scrap This Rule

If someone has a mental illness severe enough that he cannot work or manage his own money, should he be allowed to own a gun? In the waning weeks of his presidency, Barack Obama answered that question. Motivated by Adam Lanza's bloody rampage at an elementary school in Newtown, Conn., that killed 20 children and six educators in 2012, Obama imposed a rule that barred gun ownership for people who qualify for Social Security disability insurance because their mental illness keeps them from

working, and who cannot manage their benefits. That pool is small — just 75,000 Americans. (2/10)

Modern Healthcare: 'Right To Try' Laws Could Impede Medical Progress

The Trump administration has thrown its weight behind giving patients the “right-to-try” experimental drugs outside clinical trials. While such laws purport to offer hope for the dying, they will actually slow medical progress. (Merrill Goozner, 2/11)

The Wichita Eagle: Services For Disabled Also In Violation

Not only did federal officials determine last month that KanCare was “substantively out of compliance with federal statutes and regulations,” they determined the previous month that services for people with disabilities were also out of compliance. Yet state lawmakers had to learn about both decisions by reading about them in the newspaper. (2/12)

The Des Moines Register: Legislators Should Repay State For Cheap Health Care Gov. Terry Branstad said in 2012 he would begin voluntarily paying 20 percent of his state-funded health insurance premiums. He encouraged other state workers, including lawmakers, to follow suit. The next year, the governor said some legislators, who had previously enjoyed premium-free health insurance, had started contributing 20 percent. But not a single lawmaker is paying that share, according to December 2016 data obtained by The Des Moines Register. And it appears they are violating state law. (2/11)

The Columbus Dispatch: More Needed To Fight Overdoses

Ohio lawmakers are asking good questions about the money that Gov. John Kasich's proposed budget would devote to the state's opioid epidemic and the collateral damage from it. Last week, Republican and Democrat legislators said they are concerned that the budget does not do enough. The concern is warranted. Ohio leads the nation in drug-overdose deaths, with 3,050 recorded in 2015, the most recent year with complete statistics. (2/13)

The New York Times: LSD To Cure Depression? Not So Fast

Psychedelics, the fabled enlightenment drugs of the '60s, are making a comeback — this time as medical treatment. A recent study claimed that psilocybin, a mushroom-derived hallucinogenic, relieves anxiety and depression in people with life-threatening cancer. Anecdotal reports have said similar things about so-called microdoses of LSD. ... I fear that in our desire to combat suffering, we will ignore the potential risks of these drugs, or be seduced by preliminary research that seems promising. (Richard A. Friedman, 2/13)

The New York Times: Medical Mystery: Why Is Back Surgery So Popular In Casper, Wyo.?

You might think that once drugs, devices and medical procedures are shown to be effective, they quickly become available. You might also think that those shown not to work as well as alternatives are immediately discarded. Reasonable assumptions both, but you'd be wrong. (Austin Frakt and Jonathan Skinner, 2/13)

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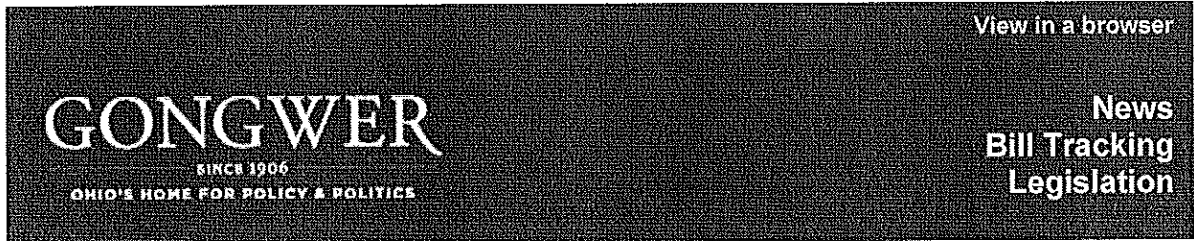
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[gongwerreports@gongwer-oh.com]
Sent: Monday, February 13, 2017 1:01 PM
To: Standard_Subscriber_misc_html@gongwer-oh.com
Subject: House Floor Report



HOUSE ACTIVITY REPORT

INTRODUCED

HB 51

AGENCY REVIEWS (Faber, K.)

To require standing committees of the General Assembly to establish a schedule for the periodic review and sunset of state departments that are currently in the Governor's cabinet, and to require that Auditor of State performance audits be scheduled to coincide with the periodic review.

HB 52

DEED SOLICITATION (Rezabek, J.)

To regulate the solicitation of certain deeds.

HB 53

UNION DUES (Becker, J.)

To remove any requirement under the Public Employees Collective Bargaining Law that public employees join or pay dues to any employee organization, to prohibit public employers from requiring public employees to join or pay dues to

any employee organization, to prohibit an employee organization from being required to represent public employees who are not members of the employee organization, and to make an appropriation.

HB 54

REVENUE OBLIGATIONS (Blessing, L., Gavarone, T.)

To authorize the Treasurer of State to issue revenue obligations of the state for the purpose of making loans to qualifying public entities for their acquisition of permanent improvements through the Treasurer of State's purchase of public obligations of those qualifying entities.

HB 55

ROAD NAMING (Rogers, J.)

To designate a portion of State Route Two in Lake County as the "Lcpl Bret M. Poklar Memorial Highway."

HB 56

HUMAN TRAFFICKING (Dever, J., Gavarone, T.)

To permit a person who is found not guilty or is the defendant in a dismissed case to apply for an expungement of the person's records in the case if the complaint, indictment, or finding of not guilty resulted from the applicant having been a victim of human trafficking, to permit a person convicted of certain prostitution-related offenses to apply for the expungement of any record of conviction of an offense, with certain exceptions, if the person's participation in the offense was a result of having been a victim of human trafficking, and to authorize intervention in lieu of conviction for persons charged with committing an offense while a victim of compelling prostitution.

HB 57**DOMESTIC STEEL (Boccieri, J., Ramos, D.)**

To require the use of domestic steel in construction, repair, or improvement projects involving certain buildings used by public schools, state institutions of higher education, and specified private colleges.

HB 58**CURSIVE HANDWRITING (Brenner, A., Slaby, M.)**

To require instruction in cursive handwriting.

HB 59**DAY DESIGNATION (Leland, D., West, T.)**

To designate October 7 as "Moses Fleetwood Walker Day."

HB 60**DRIVER'S LICENSES (Hambley, S., Rogers, J.)**

To authorize the issuance of an enhanced driver's license, enhanced commercial driver's license, and enhanced identification card to facilitate land and sea border crossings between the United States and Canada and Mexico, pursuant to an agreement with the United States Department of Homeland Security.

HOUSE SPEAKER'S APPOINTMENTS

FEDERALISM AND INTERSTATE RELATIONS: REMOVE REPRESENTATIVE DUFFEY; APPOINT REPRESENTATIVE GOODMAN.

JOINT LEGISLATIVE ETHICS COMMITTEE: APPOINT REPS. STRAHORN, CELEBREZZE, AND ANTONIO.

OHIO LEGISLATIVE SERVICE COMMISSION: SPEAKER ROSENBERGER, REPRESENTATIVES SCHURING, PELANDA, LATOURETTE, AND PATTON.

**OHIO CONSTITUTIONAL MODERNIZATION COMMISSION: REP.
HOLMES**

**STATEWIDE EMERGENCY SERVICES INTERNET PROTOCOL
NETWORK STEERING COMMITTEE: REP. CARFAGNA**

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From: Westlake, Libby
Sent: Wednesday, February 15, 2017 5:49 AM
To: Westlake, Libby
Subject: E-Clips for 2/15/2017

HOUSE E-CLIPS

2/15/2017

The Columbus Dispatch
Ohio's Greatest Online Newspaper

ARE LOCAL RESOURCES ENOUGH TO COMBAT OHIO'S OPIOID EPIDEMIC?

Roger T. Winemiller lost his sister to a heroin overdose the night before Easter last year.

TRUMP MAY SHRINK EPA, BUT EFFECTS IN OHIO TO BE DELAYED

President Donald Trump's first few weeks have left Washington disoriented and environmentalists worried.

OHIO HOUSE DEMS SAY GOP TAX CUTS AREN'T WORKING

House Democrats say Ohioans need to wake up and realize the Republican tax plans passed over the past decade have not been working to create jobs.

MOST VOCATIONAL SCHOOLS WOULD LOSE FUNDING UNDER KASICH PROPOSAL

Like Ohio's libraries and K-12 school districts, vocational schools soon could be feeling the squeeze of Ohio's tightening purse strings.

LATEST STUDY: OHIO-STYLE MEDICAID MAY SAVE \$1B A YEAR

Even if your eyes glaze at the mere mention of Medicaid, this might widen your peepers: Ohio's revamped setup is saving taxpayers \$1 billion annually — and the amount is growing.

OHIO NURSES WANT LAW LIMITING NURSE-PATIENT RATIOS

Arguing that hospitals put patient care at risk by overworking essential front-line caregivers, nurses across Ohio are pushing lawmakers to limit the number of patients for whom they are responsible.

EDUCATION INSIDER: SOME IN COLUMBUS SCHOOLS DATA-RIGGING SCANDAL YET TO BE PUNISHED

Will the state Department of Education ever discipline dozens of Columbus City Schools principals and other administrators who participated in the district's data scandal?

THE DAILY BRIEFING: ROB SECAUR NEW EXECUTIVE DIRECTOR OF OHIO GOP

The Ohio Republican Party has a new person in charge of the day-to-day operations.

THE DAILY BRIEFING: JOANNA SAUL HIRED AS PLANNED PARENTHOOD STATE LEGISLATIVE LIAISON

Joanna Saul has a new job with Planned Parenthood of Greater Ohio as vice president of government affairs and public advocacy.

Dayton Daily News
www.daytondailynews.com

2 REASONS ONE DEMOCRAT SAYS 'OHIO IS GOING IN A TERRIBLE DIRECTION'

Ohio Democratic Party Chairman David Pepper will visit Butler County tonight to talk about the upcoming statewide political cycle.

WEST CHESTER WEIGHS IN ON OHIO'S 'RIGHT-TO-WORK' LEGISLATION

West Chester Twp. trustees say it would be great if Ohio turned into a "right to work" state, because then the township wouldn't have to.

THE PLAIN DEALER

TALK IT OUT: SHOULD OHIO BECOME A 'RIGHT TO WORK' STATE?

Legislation has been introduced for a second time that would allow Ohio to join the growing ranks of states limiting union membership and collective bargaining. The measure was placed before state lawmakers Monday.

CURSIVE HANDWRITING BACK IN SCHOOLS? SOME LEGISLATORS WANT TO REQUIRE IT

Some state legislators have renewed efforts from two years ago to bring cursive handwriting back to Ohio's elementary schools.

JOSH MANDEL'S SENATE CAMPAIGN NAMES PORTAGE COUNTY CHAIRWOMAN - BUT IT'S NEWS TO HER

Senate candidate Josh Mandel's announcement that he had recruited campaign chairs in each of Ohio's 88 counties caught at least one person by surprise: Janet Esposito, the woman he listed as leading the charge for him in Portage County.

OHIO TEACHERS WOULD HAVE TO JOB SHADOW AT A BUSINESS TO RENEW LICENSES UNDER GOV. JOHN KASICH'S BUDGET

Ohio teachers would have to job shadow someone in a local business to renew their licenses under a provision in Gov. John Kasich's state budget proposal.

SUPERINTENDENTS: CUT STATE TESTS, END AS AND FS ON STATE REPORT CARDS

The state should stop grading schools and school districts with A through F grades, while also cutting the amount of state tests and making sure the tests help teachers teach students better, a group of local superintendents says.

ED FITZGERALD STILL HAS MONEY IN HIS CAMPAIGN ACCOUNT. HERE'S HOW HE HAS BEEN SPENDING IT

Ed FitzGerald, the former Cuyahoga County executive who has kept out of the public eye since an unsuccessful bid for governor more than two years ago, continues to draw from a campaign account that started 2017 with a balance of nearly \$85,000.

STATE IS IGNORING THE PUBLIC'S WISHES IN ITS ESSA PLAN, 10 LOCAL SUPERINTENDENTS SAY

A group of local superintendents and other educators questioned Monday the Ohio Department of Education's avoidance of any real changes the public sought in its proposed state education plan under the federal Every Student Succeeds Act (ESSA).

BID TO BAN OHIO SANCTUARY CITIES A CRAVEN POLITICAL PLOY: EDITORIAL

What does it mean to be a sanctuary city? To Ohio Treasurer Josh Mandel, it seems, nothing more nor less than another stepping stone to higher office.

THE ENQUIRER

KASICH: TEACHERS SHOULD JOB SHADOW WITH BUSINESSES TO RENEW LICENSES

Teachers would have to complete "externships" – essentially, a high-level job shadow – with a local business to renew their licenses under a provision in Gov. John Kasich's budget proposal.

JOHN KASICH WOULD BLOCK ACCESS TO HEROIN DEATH REVIEWS

Gov. John Kasich's budget would give counties a new way to review drug overdose deaths, but many components of those investigations into Ohio's drug epidemic could be shielded from public view.

OHIO DEMS HUNGRY FOR 2018 WIN, BUT IN LIMBO ON GOVERNOR'S RACE

Ohio Democrats have no shortage of "maybes" lining up for the 2018 governor's race, with a dozen candidates pondering a bid.

THE BLADE

One of America's Great Newspapers

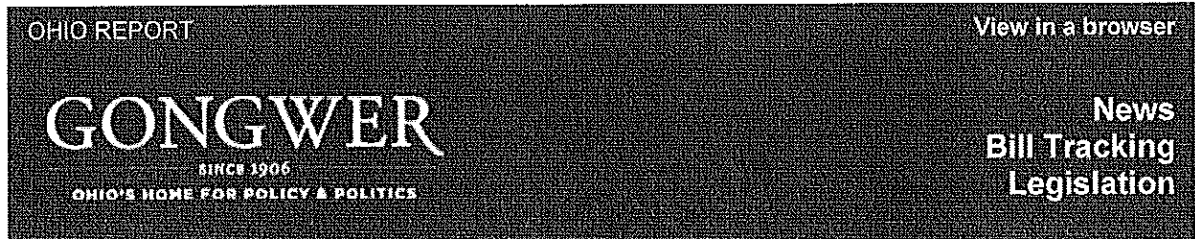
MANDEL LISTS CAMPAIGN LEADERS FOR SENATE BID

Republican Senate candidate Josh Mandel has named campaign chairmen for his planned 2018 U.S. Senate run in every county.

SECAUR NAMED GOP EXECUTIVE DIRECTOR

Ohio Republican Chairman Jane Timken appointed Rob Secaur as the state party's new executive director.

From: Gongwer News Service
Sent: Wednesday, February 15, 2017 4:03 PM
To: Alexander, Steven
Subject: Ohio Report, Wednesday, February 15, 2017
Attachments: Feb15House.htm; Feb15Senate.htm; Feb15.htm; 170215dayplan.htm



OHIO REPORT WEDNESDAY, FEBRUARY 15

House Passes Bills Dealing With Cocaine, Taxes, Gambling; Speaker Talks Collective Bargaining

Critics Take Aim At Several Portions Of Transportation Budget

Senate Committee Debates Bill On Poll Workers, Death Notifications By Election Boards

Dating Protection Order Bill Eyed For Quick Committee Approval

Opponents Of 'Pastor Protection Act' Warn Of LGBT Discrimination, But Speaker Expresses Support

Senate Resumes Debate Over Disposal Of Fetal Remains

Senate Advances Measure Creating Perry County Municipal Court

Bill To Start School After Labor Day Will Get Thorough Review, Lehner Says

Victim's Rights Group Announces Campaign Kickoff

Lawmaker: CAUV Formula A 'Major Butt-Kicker' For Farmers

Insurers, Regulators Eyeing DC For Health Policy Changes

Survey Shows Restaurant Owners Optimistic; Cedar Fair Has Record Fiscal Year; Diebold, DDR Report Financials

Supplemental Agency Calendar

Supplemental Event Planner

Senate Committee Hearings

Ways & Means

Government Oversight & Reform

Education

House Committee Hearings

Transportation & Public Safety

Civil Justice

Finance

Insurance

Health

Finance: Agriculture, Development & Natural Resources Sub.

Community & Family Advancement

Finance: State Government & Agency Review Sub.

ACTIVITY REPORTS

House

Senate

CALENDARS

Day Planner

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House Activity for Wednesday, February 15, 2017

INTRODUCED

- HB 64** ■ **RECORD EXPUNGEMENT** (Schuring, K., Reece, A.) To provide for the expungement of official records related to the apprehension, arrest, criminal charging, or trial of a person based on mistaken identity. Am. 2953.51, 2953.52, 2953.53, 2953.54, 2953.55, and 2953.61.
- HB 65** ■ **SANITARIAN REVIEWS** (Hill, B.) To require the Director of Agriculture and the Director of Health to adopt rules governing reviews of registered sanitarians and sanitarians-in-training who conduct inspections of retail food establishments and food service operations. En. 3717.042.
- HB 66** ■ **TENURED FACULTY** (Young, R.) To require permanently tenured state university or college faculty members to teach at least three credit hours of undergraduate courses per semester. Am. 3345.45 and to enact section 3345.451.
- HB 67** ■ **JUDGMENT CONFESSIONS** (Young, R.) To prohibit a person from obtaining a confession of judgment from another person except in connection with the settlement of a dispute. Am. 1337.53, 2323.12, and 2323.13 and to repeal sections 1907.09 and 2323.14.
- HB 68** ■ **VOYEURISM** (Anielski, M.) To include an impaired person as a potential victim of voyeurism, to include conduct involving an impaired person within the offenses of pandering obscenity involving a minor, pandering sexually oriented matter involving a minor, and illegal use of a minor in a nudity-oriented material or performance, and to prohibit an owner, operator, administrator, or employee of a care facility from creating, sharing, reproducing, or publishing any image of a care facility resident without a proper purpose and without prior written consent from the resident. Am. 2903.33, 2903.34, 2907.08, 2907.321, 2907.322, 2907.323, and 2929.13.
- HB 69** ■ **TIF DISTRICTS** (Cupp, R.) To require reimbursement of certain township fire and emergency medical service levy revenue forgone because of the creation of a municipal tax increment financing district. Am. 5709.40.

HB 70 ■ **FUEL TAX DISPLAYS** (Merrin, D.) To enact the "Fuel Tax Transparency Act" requiring stickers to be placed on retail service station pumps displaying the rates of federal and state taxes applicable to gasoline and diesel fuel. En. 5735.50.

PASSED

HB 4 ■ **COCAINE OFFENSES** (Cupp, R., Rogers, J.) To provide that in determining the amount of cocaine for trafficking and possession offenses, it also includes a compound, mixture, preparation, or substance containing cocaine, and to declare an emergency.
EMERGENCY: 95-1 (Brinkman); BILL: 97-0
Gongwer Coverage

HB 11 ■ **TAX LAWS** (Scherer, G.) To expressly incorporate changes in the Internal Revenue Code since February 14, 2016, into Ohio law.
97-0
Gongwer Coverage

HB 32 ■ **CASINO EMPLOYEES** (Seitz, B.) To specify that the criminal penalty related to casino operators and employees participating in casino gaming applies at their casino facility or an affiliated casino facility.
94-3 (Antani, Ginter, T. Johnson)
Gongwer Coverage

COMMITTEE HEARINGS

Transportation & Public Safety

HB 16 ■ **ROAD NAMING** (Cera, J.) To designate a portion of State Route 43 in Jefferson County as the "Army Corporal Carl H. Bernhart Memorial Highway."
(REPORTED (No testimony); 2nd Hearing-All testimony-Possible vote)

HB 22 ■ **ROAD NAMING** (Hambley, S.) To designate a portion of State Route 261 in Medina and Summit Counties as the "Sergeant James F. Allen III Memorial Highway." (REPORTED; 2nd Hearing-All testimony-Possible vote)

Asley Rae Yeager submitted written testimony in support. "The significance of having a memorial highway designated in his name would mean so much to me personally, his daughter Natalie, son Tristan, as well as friends, family, and military comrades," she wrote.

"It will also stand as a daily encouragement to continue his legacy through goodwill and advocacy."

HB 9 **TRAFFIC SIGNALS (Koehler, K.)** To specify that the alternative protocol for proceeding into an intersection with malfunctioning traffic lights due to a failure of a vehicle detector applies only to bicycles. **(REPORTED; 2nd Hearing-All testimony-Possible vote)**

Sgt. Nick Konves, of the Columbus Police Bicycle Coordination Unit, testified in support, saying he became aware of the bill that passed last session (HB154, 131st General Assembly) after seeing news reports and was concerned that any type of vehicle could treat red lights as stop signs in certain instances. He cited "blind intersections," differences between stop signs and traffic signals at intersections and the potential for crashes at the crossroads.

He said the prior legislation, which allows vehicles to proceed through malfunctioning traffic signals, allows for too much discretion. "This makes enforcement and prosecution very difficult and nearly impossible," he said. "I have testified many times in various court systems during my career and I foresee this causing a big problem for prosecution."

Responding to a question from **Rep. Michael Sheehy** (D-Oregon), the witness said that under the bill a bicycle could still proceed through an untriggered traffic signal after a "reasonable amount of time."

Patricia Kovacs, of the Ohio Bicycle Federation, said the bill passed last session should stand and allow for all motor vehicles to proceed through malfunctioning traffic signals. At minimum, motorcycles should also be included because they face the same issues as bicycles, she said.

"This law should really apply to any vehicle," she said.

Subscribers Note: Full testimony is available on the **committee's website** under Feb. 15.

Civil Justice

HB 1 **DATING PROTECTION ORDERS (Sykes, E., Manning, N.)** To authorize the issuance of dating violence protection orders with respect to conduct directed at a petitioner alleging dating violence, to provide access to domestic violence shelters for victims of dating violence, and to require the Attorney General's victim's bill of rights pamphlet to include a notice that a petitioner alleging dating violence has the right to petition for a civil protection order. **(CONTINUED (See separate story); 1st Hearing-Sponsor & proponent)**

HB 7 **MEDICAL PROVIDER IMMUNITY (Cupp, R.)** To grant qualified civil immunity to certain medical providers who provide emergency medical services as a result of a disaster; to provide that certain communications made regarding an unanticipated outcome of medical care, the development or implementation of standards under federal laws, and an insurer's reimbursement policies on health care are inadmissible as evidence in a medical claim; to provide that medical bills itemizing charges are inadmissible as evidence and an amount accepted as full payment for medical services is admissible as evidence of the reasonableness of the charges; to specify the

manner of sending a notice of intent to file a medical claim and provide a procedure for the discovery of other potential claims within a specified period after the filing of a medical claim; to provide that any loss of a chance of recovery or survival by itself is not an injury, death, or loss for which damages may be recovered; to provide civil immunity to certain medical providers regarding the discharge of a patient with a mental condition that threatens the safety of the patient or others; to require that governmental agencies that receive peer review committee records maintain their confidentiality; and to clarify the definition of "medical claim." (CONTINUED; 1st Hearing-Sponsor)

Rep. Robert Cupp (R-Lima) described his bill as the product of months of talks with the Ohio State Medical Association and the Ohio Hospital Association. The Ohio Association for Justice, however, is "not on board" with all of the bill's provisions, he acknowledged. He said the bill would "fill in some of the gaps" in ten areas of existing medical malpractice tort law.

"An unfavorable medical liability climate can lead to expansive and expensive litigation, expensive and sometimes hard to obtain liability insurance, and a diminished supply of medical professionals to meet the needs of patients," he said. "Although the medical malpractice climate in Ohio has significantly improved in the past decade or so as a result of enactments by the General Assembly, there are several things which can further improve medical tort liability law and practice."

According to Rep. Cupp's overview, the bill would:

- Label communications from health care providers communicating error or fault to the list of inadmissible documentation.
- Reduce the need to sweep into the lawsuit unnecessary defendants.
- Permit a notice of intent to file a medical claim to be served by certified mail rather than in person.
- Abrogate the loss of chance theory of tort liability by restoring the "traditional concept of causation by abolishing the judicially-created loss of less than even chance of recovery theory of liability."
- Prevent insurance reimbursement policies from establishing a legal standard of care for medical tort liability.
- Correct existing language regarding nursing home plans of care by exempting hospitals and other providers from the language.
- Maintain the confidentiality of peer review records but clarify that they may be provided to regulators without losing confidential status.
- Prohibit the introduction of "phantom damages" into evidence.
- Provide limited immunity for certain healthcare providers or hospitals acting in good faith and in concert with professional standards when medically discharging a patient who has a mental health condition that may threaten the safety of the patient or others.
- Establish a different liability standard for medical care in the event of a widespread disaster event resulting in "widespread personal injury (or) loss of life that results from any natural or technological phenomenon or act of a human, or an epidemic."

Lawmakers raised several questions about the bill, including several focused on provisions labeling certain communications inadmissible and prohibiting the introduction of phantom damages into evidence.

Rep. Nicholas Celebrezze (D-Parma), for example, questioned whether it was within legislative purview to modify the rules of evidence. And **Rep. Bill Seitz** (R-Cincinnati) asked whether the phantom evidence provision might deter patients from seeking health insurance. **Rep. Kristin Boggs** (D-Columbus) asked who or what would determine whether a disaster qualifies under the bill. Rep. Cupp said that area of the bill could use some extra defining, although his inclination is to allow the jury to decide.

Subscribers Note: For full testimony, see the [committee's website](#) under Feb. 15.

Finance

HB 26 **TRANSPORTATION BUDGET (McColley, R.)** To make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of those programs.
(CONTINUED (See separate story); 3rd Hearing-All testimony)

Subscribers Note: Full testimony is available on the [committee's website](#) under Feb. 15.

Insurance

See separate story.

Health

The panel met briefly to accept the committee's rules for the new session and have members introduce themselves.

Chair **Rep. Steve Huffman** said the panel would not be meeting next week, and would not meet on Wednesday, April 5, the day after Gov. Kasich's State of the State address, which is scheduled to be held in Sandusky.

Finance: Agriculture, Development & Natural Resources Sub.

The panel started its budget review work with [testimony](#) from Sarah Creedon, executive director of the Liquor Control Commission. (**Redbook**)

"The Commission is an adjudicatory and rule-making agency that oversees Ohio's alcohol beverage industry. The agency's mission is to provide fair and impartial hearings to protect the public and the permit holders, and to ensure compliance with Ohio liquor laws and administrative rules," she said. "The agency also adopts and promulgates rules, standards, and requirements regarding alcohol sales in Ohio."

Ms. Creedon said the commission works with the Ohio Investigative Unit, the Attorney General's Office, the Division of Liquor Control, and the Department of Taxation to achieve its mission.

"The Division of Liquor Control is responsible for processing applications and issuing liquor permits. Permit holders can appeal division decisions rejecting liquor permit applications and renewals to the commission. As an adjudicatory body, the commission functions as an administrative court with the same duties and obligations of any court," she explained.

The executive budget provides LCC with \$844,553 in Fiscal Year 2018, which is an 4% over estimated FY 2017 spending, and \$851,269 in FY 2019, which is an increase of 1% from the

prior year. Ms. Creedon said the money for commission operations comes from a portion of liquor permit fee revenue.

"While the commission receives no GRF funding, the commission does contribute to the GRF by depositing all revenue it collects from financial forfeitures issued against permit holders for violations of Ohio's liquor laws and rules," she said. "In fiscal year 2016, the commission collected over \$1.2 million in financial fines and forfeitures and deposited those funds into the GRF. In the current fiscal year to date, over \$1 million was collected and deposited into the GRF."

Rep. Brigid Kelly (D-Cincinnati) asked about the impact of the growing craft brew industry on the panel. Ms. Creedon said that while permit requests have increased, she hasn't seen a related uptick in cases before the commission.

She similarly told **Rep. Michael O'Brien** (D-Warren) that she couldn't correlate a caseload increase because of the Investigative Unit's transfer to the Highway Patrol a few years ago. Ms. Creedon told Rep. Kelly that the commission plans updates to its database and other improvements with the additional funds in the budget.

Racing Commission: Executive Director William Crawford **briefed the committee** on the operations of the commission, which regulates horseracing in the state. It also uses no GRF, and instead is funded through taxes on wagers, licensing fees, other fees and fines, and a small percentage of casino revenue, he said. **(Redbook)**

"The majority of the Racing Commission's expenditures are for subsidies to the horseracing industry in the form of additions to purses at live horse races as well as supplements to purses for Ohio horses that win races at Ohio tracks and other promotional expenses," he said. "Regulation expenses include administration expenses which also include officials and veterinarians as well as drug-testing expenses, expenses that relate to investigation, licensing and the enforcement of rules."

The commission's budget request is about \$32.3 million a year over the upcoming biennium. In addition to the five commission members, RAC currently staffs eight full-time and seven part-time positions, according to the Legislative Service Commission. The agency contracts with two stewards, two judges, and five veterinarians.

Chairman **Rep. Andy Thompson** (R-Marietta) asked if declining casino and VLT revenue, which makes up a big chunk of the agency's budget, has impacted its finances. Mr. Crawford said it has not done so considerably.

Rep. Kelly asked about efforts to ensure safety for riders and horses.

Mr. Crawford said the inspection of racing surfaces, which the commission oversees, is the main concern in that regard and that stewards watch races to make sure they are run safely. He told Rep. O'Brien that stewards can cancel races when the temperature dips below a minus 10-degree wind chill factor or following consultation with jockeys and drivers.

Responding to the chairman, the witness said the commission spends about \$1.6 million a year on its drug testing program and investigating potential cheats is "a major concern of ours."

Racing Chairman Robert Schmitz briefly addressed the committee, explaining that the bulk of Ohio's racing industry is tied to Standardbreds and that with the installment of video lottery terminals at horse racetracks, has seen a resurgence after several years of declines.

A Standardbred breeder himself, Mr. Schmitz allowed that he bred his stock outside of Ohio for many years but now there's better breeding stock and other improvements due in part to increased funding from VLTs.

He said racing's impact to the state's agricultural industry is a "very, very big business."

Sea Grant Program: Christopher Winslow, director of the Ohio Sea Grant College Program, F.T. Stone Laboratory, and the Center for Lake Erie Area Research, testified in support of the program's budget and outlined its various education, research and outreach initiatives. (Testimony)

The program receives just under \$300,000 a year in state funding, which is used to leverage federal grants. (ODHE-Agriculture Redbook) The director said the program draws down about \$10 from other sources for every dollar of state funding it receives.

"Historically, Ohio Sea Grant has managed 8-10 research projects annually (~\$480,000). However, since April of 2015, we have increased that research portfolio dramatically. We currently have 119 projects listed within OSU's Office of Sponsored Program's research database," Mr. Winslow said in prepared testimony.

"The program is currently managing \$5 million in funding from the Ohio Department of Higher Education (ODHE; \$4 million in two \$2 million allocations) and OSU's College of Food and Agricultural Sciences (Field to Faucet Initiative; \$1 million) to address Lake Erie harmful algal blooms."

Mr. Winslow said Ohio Sea Grant and Stone Laboratory "are exceptional programs and assets to the entire state."

"We solve environmental problems (more than 50 ongoing research projects), enhance the local economy (i.e., business retention and expansion programming), inform decision-makers, and improve the quality of science education in Ohio," he continued. "I would argue that since we first received funds in 1983, we have annually demonstrated that our line item is not a cost to Ohio, but a wise investment of valuable state funds."

Chairman Thompson lauded the public involvement promoted by the program and asked about invasive species.

The director said invasive mussels are "not going anywhere," and cited gobies as another example of non-native species that have infiltrated the Great Lakes. He said researchers are keeping an eye on four species of Asian carp, as they have made it up the Mississippi River drainage area to within 30 miles south of Lake Michigan.

Responding to questions about algae bloom research, he said the main source of nutrients that cause the problem can be traced to agriculture land management practices but that researchers aren't in the "finger-pointing" business. He said the group taps funds from two endowments to finance educational workshops for farmers on best practices in that regard. Mr. Winslow also told members of the committee that he is working with donors to generate funding for equipment upgrades.

In response to a question from Rep. Scott Lipps (R-Franklin), he said buoys used for water quality research cost \$50,000-80,000 apiece.

Community & Family Advancement

HB 36

MARRIAGE CEREMONIES (Vitale, N.) To provide that an ordained or licensed minister or religious society is not required to solemnize a marriage

and a religious society is not required to allow any building or property of the religious society to be used to host a marriage ceremony if the marriage does not conform to the ordained or licensed minister's or religious society's sincerely held religious beliefs, to provide that an ordained or licensed minister or religious society is not subject to civil or criminal liability for such a denial, and to provide that the state and political subdivisions may not penalize or withhold benefits to an ordained or licensed minister or religious society for such a denial. (CONTINUED-AMENDED (See separate story); 2nd Hearing-Proponent)

Subscriber's note: Full testimony is available on the committee's website under Feb.15.

Finance: State Government & Agency Review Sub.

The subcommittee began its review with the Board of Embalmers and Funeral Directors.

(Redbook)

Tim Derickson, the board's director, testified that a significant issue the agency is facing is the increasing problems with pre-need funeral services, in which a person pays in advance for the service. Cash-strapped funeral service providers sometimes use that prepaid money, which is supposed to be saved until the service is needed, to meet their bottom line.

That trend causes an increase in the number of investigations and complaints, Director Derickson said, and the board is asking for more funding to add a staff member in two years to help with those investigations.

"To help solve this problem, I think this board needs a little help from what we're currently staffed at," he said.

He also said he expected legislation to be introduced this session with support from funeral home providers for a fee on pre-need services that would help cover costs of unmet pre-need services.

Rep. Kirk Schuring (R-Canton) suggested that legislation be introduced soon so it could be incorporated into the budget document, to avoid the board having expenses budgeted without the revenue to pay for them.

Chair **Rep. Keith Faber** (R-Celina) also discussed moving the money the board collects in fines to the General Revenue Fund, rather than returning it to the board, to avoid the appearance of the board fining businesses to meet its budget.

"If we were to make that transfer, you're going to need some additional revenue," Rep. Faber said.

The subcommittee also reviewed the Ohio Commission on Hispanic and Latino Affairs.

(Redbook) Executive Director Lilleana Cavanaugh said the commission's increased budget needs stem mostly from insurance and operating costs.

Asked by Rep. Faber what the commission would do if it did not receive the extra \$50,000 asked for in the budget, Ms. Cavanaugh said it would have to move a full-time position, one of three, to part-time.

"What is important is to know that through our commission, we're able to provide these agencies with an understanding of the Latino community, the language, the culture, thus decreasing those gaps in communication and culture," she said.

The panel also heard testimony in support of the commission from others, including Claudia de Leon, president of the Hispanic Chamber of Columbus. Ms. de Leon said the commission serves a vital role in the community.

"The Commission on Latino Affairs is a major bridge into the Hispanic community as well as a valuable resource to the Hispanic community - from creating more awareness of how our government works and the services available to help them achieve their educational or personal goals to alerting us of incoming or ongoing legislation that could have an impact to our increasing Hispanic population in Ohio," she said.

Another board reviewed by the panel was the Sanitarian Registration Board (Redbook), which Executive Secretary Stephanie Youst said registers people who are responsible for testing drinking water, inspecting restaurants and performing other public health tasks. The board proposed an increase in fees, which Ms. Youst said would help cover the increased costs of a new licensure system, rent, supplies and other items.

Ms. Youst said the board is necessary because it ensures public health departments and others have licensed, trained and qualified staff.

"The reason that you need sanitarian registration is sanitarians are responsible for protecting public health," she said.

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Senate Activity for Wednesday, February 15, 2017

INTRODUCED AND REFERRED

SB 54 ■ **SUMMER FOOD PROGRAMS** (Brown, E., Lehner, P.) To require school districts to allow approved summer food service program sponsors to use school facilities to provide food service for summer intervention services under certain conditions. Am. 3313.813
Government Oversight & Reform

SB 55 ■ **NURSE STAFFING** (Skindell, M.) To establish minimum ratios of direct-care registered nurses to patients in hospitals, to specify rights of registered nurses working in hospitals, and to prohibit retaliatory actions by hospitals against registered nurses. Am. 3727.50, 3727.51, 3727.52, and 3727.53 and to enact sections 3727.80 to 3727.88
Health, Human Services & Medicaid

SB 56 ■ **STEP THERAPY** (Lehner, P., Tavares, C.) To adopt requirements related to step therapy protocols implemented by health plan issuers and the Department of Medicaid. Am. 5167.12 and to enact sections 3901.82, 3901.821, 3901.822, 3901.823, 5164.7512, 5164.7513, and 5164.7514
Health, Human Services & Medicaid

SR 37 ■ **CORPORATE PERSONHOOD** (Skindell, M.) To call on legislators at the state and federal level and other communities and jurisdictions to support an amendment to the United States Constitution that would abolish corporate personhood and the doctrine of money as speech.
Transportation, Commerce & Workforce

INTRODUCED

SB 57 ■ **AWARENESS DAY** (Kunze, S.) To designate the seventeenth day of May as "Diffuse Intrinsic Pontine Glioma Awareness Day." Am. 5.291

SCR 4 ■ **BALLOT ARGUMENTS** (Peterson, B.) To delegate to the President of the Senate and the Speaker of the House of Representatives authority to designate groups of members to prepare arguments for and against

amendments to the Ohio Constitution proposed by the General Assembly, a person or persons to prepare an argument for any law, section, or item submitted to the electors by referendum petition, and a person or persons to prepare an argument against any constitutional amendment proposed by initiative petition.

33-0

Gongwer Coverage

PASSED

SB 25 ■ **PERRY COUNTY COURT (Hottinger, J.)** To create the Perry County Municipal Court in New Lexington on January 1, 2018, to establish one full-time judgeship in that court, to provide for the nomination of the judge by petition only, to abolish the Perry County County Court on that date, to designate the Perry County Clerk of Courts as the clerk of the Perry County Municipal Court, and to provide for the election for the Perry County Municipal Court of one full-time judge in 2017 and to declare an emergency.

33-0; Emergency: 33-0

Gongwer Coverage

REFERRED

Education:

SB 39 ■ **SCHOOL OPERATIONS (Schiavoni, J.)** Regarding community school operator contracts, the operation of Internet- and computer-based community schools, and performance metrics for blended learning schools.

Gongwer Coverage

Energy & Natural Resources:

SB 50 ■ **OIL GAS LAWS (Skindell, M.)** To prohibit land application and deep well injection of brine, to prohibit the conversion of wells, and to eliminate the injection fee that is levied under the Oil and Gas Law.

SB 51 ■ **LAKE ERIE (Skindell, M., Eklund, J.)** To authorize the creation of a special improvement district to facilitate Lake Erie shoreline improvement.

SB 53 ■ **LAKE ERIE DRILLING (Skindell, M.)** To ban the taking or removal of oil or natural gas from and under the bed of Lake Erie.

Finance:

SB 45 ■ **UNCLAIMED FUNDS (Williams, S.)** Regarding payment to a registered finder of unclaimed funds.

Government Oversight & Reform:

SB 44 ■ **CAMPAIGN FINANCE (LaRose, F.)** To allow certain campaign committees and other entities to file campaign finance statements electronically and to require the Secretary of State to make the information in those electronic statements available online.

Judiciary:

SB 40 ■ **AGGRAVATED MURDER (Eklund, J., Williams, S.)** To provide that a person convicted of aggravated murder who shows that the person had a serious mental illness at the time of committing the offense cannot be sentenced to death for the offense and to provide a mechanism for resentencing to a life sentence a person previously sentenced to death who proves that the person had a serious mental illness at the time of committing the offense.

SB 41 ■ **TESTIMONIAL PRIVILEGE (Eklund, J.)** To provide generally a testimonial privilege for communications between a qualified advocate rendering advocacy services and a victim of sexual violence, menacing by stalking, or domestic violence, to exempt the nondisclosure of that privileged communication from the offense of failure to report a crime, to require a qualified advocate to report knowledge or reasonable suspicion of child abuse or neglect of the victim except for privileged communications, and to specify circumstances in which the victim is considered to have waived the privilege.

SB 42 ■ **DRUG OFFENSES** (Eklund, J.) To expressly provide that drug offense penalties that refer to a particular type of drug also apply to a compound, mixture, preparation, or substance containing a detectable amount of that drug and to declare an emergency.

Local Government, Public Safety & Veterans Affairs:

SB 43 ■ **BUILDING CODES** (Bacon, K.) To enable limited home rule townships to adopt building codes regardless of any similar codes adopted by the county in which the township resides.

SB 48 ■ **HEARING IMPAIRMENTS** (Williams, S.) To create a special license plate for hearing-impaired individuals and to require the Registrar to include an identifying symbol on a driver's license, commercial driver's license, or state-issued identification card of a hearing-impaired individual, if requested.

SB 52 ■ **MARRIAGE CEREMONIES** (Skindell, M.) To allow any person or entity that registers with the secretary of state to solemnize marriages.

Transportation, Commerce & Workforce:

SB 46 ■ **ROAD NAMING** (Williams, S.) To designate portions of United States Route 422 within the municipal corporations of Cleveland and Youngstown as the "Arnold R. Pinkney Memorial Way."

SB 47 ■ **NONCOMPETE LANGUAGE** (Williams, S.) To prohibit the use of noncompete provisions in employment contracts in the broadcasting industry.

SB 49 ■ **EMPLOYMENT APPLICATIONS** (Williams, S.) To prohibit private employers from including on an employment application any question concerning whether an applicant has been convicted of or pleaded guilty to a felony.

COMMITTEE HEARINGS

Ways & Means

SB 35 **TAX CREDIT (Skindell, M.)** To remove the income restriction on the earned income tax credit and to make the credit refundable beginning in 2017.
(CONTINUED; 1st Hearing-Sponsor)

Sen. Michael Skindell (D-Lakewood) said the bill is the same as his previous effort to make the Earned Income Tax Credit refundable and remove current credit income restrictions (SB21, 131st General Assembly).

Ohio's current EITC equals about 10% of the federal EITC, he said. For those with adjusted gross incomes exceeding \$20,000, the credit is capped at 50% of tax due. The legislation would remove that cap.

Sen. Skindell said reducing that cap and making the credit refundable will "go a long way in reducing Ohio's poverty rate." He added that 26 states have EITCs that are refundable. "A state refundable EITC is targeted to help low to moderate income working individuals and families," he said. "A refundable state EITC would have a significant impact on the long term economic well-being of our low income wage earners and our local and state economy."

Sen. Peggy Lehner (R-Kettering) questioned how many Ohioans were able take advantage of the credit last tax year. She asked whether she is correct in observing that the bill would benefit those with lower incomes who would not have much of a tax liability in the first place. "Absolutely, and that's why we want to make it nonrefundable and remove those restrictions," Sen. Skindell replied, adding that a lower tax burden frees up money for clothing or other essentials for those low-income families.

Responding to further questions, Sen. Skindell said the Legislative Services Commission analysis of his bill last year indicated the total cost of the proposal would be around \$180 million. In the eight legislative sessions he's been pushing for the change, he said that number has been fairly stable.

SB 36 **AGRICULTURAL LAND (Hite, C.)** To require that the computation of the capitalization rate for the purposes of determining CAUV of agricultural land be computed using a method that excludes appreciation and equity buildup and to stipulate that CAUV land used for a conservation practice or enrolled in a federal land retirement or conservation program for at least three years must be valued at the lowest of the values assigned on the basis of soil type.
(CONTINUED (See separate story); 1st Hearing-Sponsor)

SB 9 **SALES TAX HOLIDAY (Bacon, K.)** To provide for a three-day sales tax "holiday" in August 2017 during which sales of clothing and school supplies are exempt from sales and use taxes. (CONTINUED; 1st Hearing-Sponsor)

Sen. Kevin Bacon (R-Minerva Park) said his bill is the same as one he introduced last year that would institute a one-year sales tax holiday during the first weekend in August. (SB264, 131st General Assembly)

Although the sponsor said he still envisions a bill enacting a permanent annual holiday, he said he opted again for the one-time approach after it helped garner legislative and administrative support last session.

Once again the bill would create a three-day sales tax exemption on clothing items up to \$75 and on school supplies costing \$20 or less per item.

"Many of you may recall the first two sales tax holidays which were passed during the 131st General Assembly," he told the committee. "These events were highly advertised in every part of the state and very popular with Ohio residents. My office received letters of support from students, businesses, and educators following the first two sales tax holidays."

He again touted a study from the University of Cincinnati that determined the 2015 holiday landed the state \$4.7 million in additional revenue. He said the university is once again compiling a study of the 2016 holiday that will be shared with the committee upon completion.

Chairman Sen. John Eklund (R-Chardon) said it would be "extraordinarily helpful" to receive that report by Feb. 21, although Sen. Bacon expressed doubt about that timeline. Sen. Sean O'Brien (D-Hubbard) requested the study include, if possible, a breakdown of the impact on counties bordering Pennsylvania, which has no sales tax on clothing items.

Sen. Sandra Williams (D-Cleveland) questioned why the Kasich administration has yet to endorse the sales tax holiday as an annual event.

Sen. Bacon replied that in his conversations with the administration, the governor's staff is committed to using the most conservative form of budgeting. The administration was supportive of both previous one-off holidays, he said, "and we are hoping they will be again."

Subscribers Note: For full testimony, see the committee's website under Feb. 15.

Government Oversight & Reform

SB 10 **PRIMARY ELECTIONS** (LaRose, F.) To expand the circumstances under which a board of elections or the secretary of state is not required to hold a primary election. (**CONTINUED**; 1st Hearing-Sponsor)

The bill's sponsor, Sen. Frank LaRose (R-Hudson), said it would eliminate the need for primary elections when only one candidate qualified for the ballot.

"I call this the superfluous primaries bill. This is that bill that is meant to address that rare situation where there is only one candidate on the ballot and we are forced to hold an election," he said.

The bill stems from a problem in which a special election is needed, costing taxpayers hundreds of thousands of dollars, for a race that has already been decided, he said.

"The fix to this is simple," he said. "We trigger the need for an election on how many candidates are certified for the ballot, not how many candidates file petitions for the ballot."

Sen. Edna Brown (D-Toledo) asked if it would apply if a candidate dropped out, leaving only one remaining.

"Essentially what this comes down to, if there's only one candidate left, then there's no need to hold an election," Sen. LaRose said.

SB 18 **DAY DESIGNATION** (Thomas, C.) To designate September 12 as "Jesse Owens Day." (**CONTINUED**; 1st Hearing-Sponsor)

The bill would designate Sept. 12 as Jesse Owens Day, sponsor **Sen. Cecil Thomas** (D-Cincinnati) said. He was inspired after seeing the movie "Race" and learning that Jesse Owens was from Ohio.

Mr. Owens, who was born in Alabama, grew up in Cleveland and attended the Ohio State University, is best known for winning a record eight NCAA championships on the track in college and winning four gold medals at the 1936 Olympics in Berlin.

"Jesse Owens is remembered as an ambassador for American ideals, both at home and abroad," Sen. Thomas said. "While his incredible athleticism is impressive on its own accord, his legacy is all the more noteworthy because of the character he showed in the face of bigotry. Recognizing Jesse Owens on his birthday - September 12 - is a fitting tribute for one of Ohio's greatest native sons."

SB 21 **ELECTION PROCEDURES (Uecker, J.)** To reduce the minimum number of precinct election officials in a precinct in which electronic pollbooks are used and to eliminate the requirement that a board of elections send a notice to a person's residence address when the board cancels the person's voter registration because it received a report of the person's death. **(CONTINUED (See separate story); 1st Hearing-Sponsor)**

SB 28 **ABORTION (Uecker, J.)** Regarding final disposition of fetal remains from surgical abortions. **(CONTINUED (See separate story); 1st Hearing-Sponsor)**

Education

SB 34 **ACADEMIC YEAR (Manning, G.)** To generally require public and chartered nonpublic schools to open for instruction after Labor Day. **(CONTINUED (See separate story); 1st Hearing-Sponsor)**

SB 8 **SCHOOL TECHNOLOGY & SAFETY (Gardner, R., Terhar, L.)** To require the Ohio School Facilities Commission to establish a program assisting school districts in purchasing technology and making physical alterations to improve technology infrastructure and school safety and security. **(CONTINUED (See separate story); 1st Hearing-Sponsor)**

Without discussion, the committee confirmed the governor's appointments of Eric Poklar, Rebecca Vasquez Skillings, Charlotte McGuire and Martha Manchester to the State Board of Education.

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Volume #86, Report #31 -- Wednesday, February 15, 2017

House Passes Bills Dealing With Cocaine, Taxes, Gambling; Speaker Talks Collective Bargaining

Legislation to change how cocaine is accounted for in drug convictions passed the House unanimously Wednesday.

The House also advanced bills updating the state's tax code to align with federal changes and allowing Ohio casino employees to gamble at other casinos.

The cocaine bill (HB 4⁰⁰) passed unanimously after House members voted 95-1 to incorporate an emergency clause. That bill is designed to clarify the statute for how penalties for cocaine possession are assessed based on the amount of cocaine after an Ohio Supreme Court ruling interpreting the existing language, sponsor Rep. Robert Cupp (R-Lima) said. (See Gongwer Ohio Report, February 14, 2017)

The Supreme Court's decision in *State v. Gonzales* said the state must prove the actual weight of the cocaine included in compounds, excluding filler material, to use the amount for sentencing. Rep. Cupp said it would be costly and time-consuming for the state to invest in the laboratory equipment to prove that for these cases.

"The practical fact of the court's decision was to make every cocaine violation a fifth-degree felony unless the cocaine was pure," he said.

Rep. John Rogers (D-Mentor-on-the-Lake) said the bill, with the emergency clause, is needed now because there is currently no added penalty for trafficking in large amounts of cocaine compared to small amounts.

"As the law now stands, drug dealers and traffickers are incentivized to traffic in large quantities of cocaine," he said.

The House also voted unanimously to pass a bill (HB 11⁰⁰) to update the state's tax code with changes in federal law.

"As a CPA, I am well aware some of the tax laws can be a bit dull and difficult to understand, however this legislation is necessary so we can ensure Ohioans are able to fully benefit from the new federal laws this tax season," sponsor Rep. Gary Scherer (R-Circleville) said in a statement.

The other bill passed by the House (HB 32⁰⁰) would allow casino employees to gamble at other unaffiliated casinos in the state. Sponsor Rep. Bill Seitz (R-Cincinnati) said it simply gave casino employees the same right already given to racino employees.

"The only limitation by this bill is that you cannot be employed by or affiliated with the casino at which you are playing," Rep. Seitz said.

Speaker's Comments: Speaker Cliff Rosenberger (R-Clarksville) told reporters after session that while a number of his caucus members are supportive of recently introduced "right-to-work" legislation (HB 53), it's not a focus for leadership.

"We're always going to have members that want to introduce bills and do things. That's in their prerogative to do," he said. "We'll have conversations with the caucus, but I don't know that we have a game plan going forward."

The speaker said many in the legislature remember what happened with the last attempt at similar legislation (SB5, 129th General Assembly), which was repealed by voters. There might not be broad enough support for it, he said, though the state is facing pressure as more states implement similar policies.

"Ultimately for the state, the right-to-work pathway is one which is probably taken to the ballot," he said.

Critics Take Aim At Several Portions Of Transportation Budget

Detractors of certain aspects of Gov. John Kasich's proposed two-year transportation budget on Wednesday spoke out against tax policy changes in the bill, urged more funding for public transportation and lobbied for increased fees for deputy registrars.

Testifying before the House Finance Committee, Matthew White, general counsel of IGS Energy, and Jason Phillips, policy director for Clean Fuels Ohio, both disagreed with a portion of the budget (HB 26) that would allow for the 28-cent-per-gallon Motor Fuel Tax to be levied on compressed natural gas. (Redbook)

Mr. White told the panel that the proposal would harm the fledgling industry while generating little revenue for the state.

"It would be unwise to now impose a tax on CNG in such an expedited manner without studying how the tax may harm the industry and without looking at the complexities of the tax code to ensure any tax is applied fairly," he said in testimony.

Rep. Alicia Reece (D-Cincinnati) questioned Mr. White on if he would be open to a phased-in approach.

In response, Mr. White said a phased-in tax may be appropriate when the CNG market share grows from its current 1% to 3% or more, but not in the current budget cycle.

"We would support a broader study of CNG, including how to incentivize it and how to make it work best for the state of Ohio," he said.

Rep. Adam Miller (D-Columbus) asked how much the federal alternative fuel tax credit weighs on his opposition to the MFT being imposed on CNG. Mr. White said given the political changes in the nation's capital, he is not hopeful that the federal tax credit will be renewed.

Mr. Phillips told the panel that financial incentives should be paired with the tax if it is imposed.

"Pennsylvania and other states that currently tax CNG pair this tax with a very healthy financial incentive to offset a new tax that would hurt the ROI," he said in testimony. "Pennsylvania has had an incentive program for several years, allocating over \$25 million to alternative fueled vehicle projects. It has been so successful that they have renewed the program."

Jeffrey Erb, president of the Ohio Association of Convenience Stores, raised concerns in his testimony over a proposal to change the point at which the MFT is collected. The proposed change would allow for the MFT to be collected at the refinery rack starting in 2018. Currently, the tax is paid at the wholesale level, giving business owners about a month after purchasing the motor fuel to sell it and collect taxes from customers before paying taxes to the state.

The change in the point of collection for the tax could generate as much as \$92 million per year in revenue, according to the Legislative Service Commission.

Mr. Erb said the change would negatively impact small businesses.

"I asked myself who would benefit by this change. The only answer I could come up with that made sense was big oil. They will be the ones to hold the excise tax if this change is made. There certainly is no crisis in collecting the excise tax now. The Ohio Business Gateway is very efficient for reporting and collecting the tax," he said.

"I also don't see this as being particularly helpful to the government. I hope the government does not see itself as more important than the honest hard working businessmen that produce goods and services that actually allow the government to function."

Rep. Rob McColley (R-Napoleon), the bill's sponsor, said in a recent interview that amendments are likely to address both of those issues. He also said a potential change allowing deputy registrar fees to increase could be in the works. (See Gongwer Ohio Report, February 13, 2017)

Aldo Filippelli, president of the Ohio Deputy Registrars' Association, said in his testimony that a fee change is warranted given the current \$3.50 level was set in 2004.

He requested the fee be boosted by \$2.50 with additional increases of 50 cents in 2020 and 2021.

Rep. Robert Sprague (R-Findlay) questioned if it would be more appropriate to phase in such an increase over time.

Mr. Filippelli said that may have worked six or seven years ago, but at this point he is losing employees because of the salaries he is able to pay.

Joe Bowsher, a deputy registrar for the past two decades, said that since the last fee increase, operating costs have increased significantly.

"As an employer, I find that the wages that I pay are below other employers in my area including Wal-Mart, White Castle and most non-skilled positions. As a small business owner, it frustrates me that my employees are paid \$10 per hour with little or no benefits, and the state employees in the same job are earning \$6 more each hour plus benefits," he said in testimony. "For me to raise wages for my staff to the same amount as state employees would cost me over \$120,000 per year, not including taxes and benefits."

Rep. Dan Ramos (D-Lorain) questioned Mr. Bowsher on the number of his employees that receive public assistance. "The state of Ohio is not saving any money if your employees are on public benefits," he said.

Mr. Bowsher said that at least one of his 13 employees receives public assistance.

Several proponents of public transportation also urged lawmakers to make additional investments in the area.

Jason Warner, manager of government affairs at the Greater Ohio Policy Center, applauded a proposal to use federal money to increase funding for public transportation by \$10 million for a total of \$33 million. However, he said the state could do more and suggested than an additional \$17 million in federal funds be flexed for public transportation.

"Setting aside a total of \$50 million in FHWA funding to public transit will result in 7.5 fewer miles of highway expansion, or 24 miles of highway repaired per year. For perspective, ODOT paved 5,564 lane miles in 2015," he said in testimony.

"Allocating \$50 million per year of FHWA fund to transit-related capital investments will have negligible impact on Ohio's crucial highway maintenance and construction programs, while significantly improving safety, performance, and use of Ohio's public transportation systems."

Asked about the impact that public transportation can have on the tourism industry in a city, Mr. Warner used the example of Cleveland, which hosted the 2016 Republican National Convention, and Columbus, which lost out to Philadelphia for the Democratic National Convention. Public transportation played a major role in that, he said.

"There was no other method for them to get down to where the main convention site was going to be," he said of Columbus and the lack of transportation options from John Glenn International Airport.

Nathan Alley, transportation policy coordinator for the Ohio Chapter of the Sierra Club, echoed many of those sentiments in his testimony. He told the panel that for every \$1 invested in public transit, it generates \$6 in economic activity.

"We appreciate the allocation of additional flex funding to transit in this proposed budget, but even with that allocation, it is our understanding that transit would still be left with a \$20 million deficit because of anticipated changes to our state sales tax structure," he said.

"Please do all that you can in this budget cycle to ensure that we achieve economic development, increase employment opportunities, reduce urban sprawl and congestion, and create more livable communities for all Ohioans."

Akshai Singh of Ohio for Transportation Equity told the panel that the state needs to invest \$192.4 million in capital and \$96.7 million in operating funds just to meet existing demand for public transportation services.

"Ohio needs a 21st century transportation system, made up not only of roads and highways, but also a complete network of affordable, accessible, and sustainable transportation options, including public transit, passenger and freight rail, electric buses and vehicles, and walk-able, bike-able streets. We need at least \$300 million a year - to address the cost of backlogged capital needs, and start to build a system of transit alternatives for the future," he said in testimony.

Katie Frederick, executive director of the American Council of the Blind of Ohio, asked lawmakers to increase funding for public transportation from its current level of 1% to 10%.

The Cincinnati chamber applauded the \$10 million increase in funding for public transportation, saying it will allow the Southwest Ohio Regional Transit Authority to replace aging and outdated vehicles.

"At the beginning of this year, SORTA had 63 buses past their 12- year useful life," the group wrote. "Every year beyond this threshold means increased operating and maintenance costs. A 15- year- old bus costs 133% more to maintain than a 10- year- old bus. As of January, Metro had 40 buses that are 15 years old or older, resulting in more than \$500,000 in additional annual operating expense. This additional \$10M can help unlock federal resources to more rapidly replace the outdated fleet that currently transports people throughout our region."

The group also said that it would be supportive of an amendment to increase funding to Transportation Improvement District across the state. It also noted its support for increased investment in transportation technology.

"As you review programs to pilot innovations in transportation, we look forward to working with you to identify opportunities in southwest Ohio to deploy new technology and bring our state to the fore of innovation in transportation," it wrote.

Also providing testimony was Shane Lieurance, a deputy registrar, and the Cincinnati USA Regional Chamber, the latter in written form.

Senate Committee Debates Bill On Poll Workers, Death Notifications By Election Boards

A Senate panel Wednesday questioned a bill that would reduce the minimum number of election officials needed at certain precincts and change requirements for boards of elections to notify households when deceased individuals are removed from voter rolls.

Members of the Senate Government Oversight and Reform Committee said they wanted to ensure polling places have proper supervision and that people know if they are mistakenly removed from voter rolls.

The bill (SB 21) would grant permissive authority for county boards of elections to reduce the minimum number of election officials from four to two in multi-precinct locations that use electronic poll books, sponsor Sen. Joe Uecker (R-Loveland) said.

"Electronic poll books are revolutionizing voting in precincts across Ohio," he said. "These digital tablets are currently utilized by fifty-five counties. Their use will continue to increase as more counties take advantage of enacted state funds to assist in the cost. Electronic poll books eliminate reliance on traditional paper poll books creating a better and more efficient experience for voters and poll workers."

That authority is permissive, meaning boards of elections would have the right to do so but would not be required, he said.

Sen. Edna Brown (D-Toledo) said she was worried the county board would be pressured to cut costs even if they didn't think it was the best course of action.

"My concern is that county commissioners might pressure boards of elections to make these reductions and then perhaps cause other problems," she said.

Sen. Uecker said the bill would help county boards in areas where one party is dominant and they have trouble finding enough election officials of the other party.

"I think it makes a more proper as well as a more efficient election process," he said.

Sen. Brown suggested the bill require it to be a bipartisan decision by the board of elections to reduce the number of election officials required, and the sponsor said he'd be open to exploring possible amendments.

Sen. Frank LaRose (R-Hudson) said he was worried that having fewer election officials could mean there would be times when only officials from one party were working.

"When there's only two, my worry would be that during the normal ebb and flow of the day as people take a lunch break, a bathroom break, that you have bipartisan oversight," he said.

The bill would also remove a requirement that a board of election send notice to a person's address when the board cancels a voter registration because it received a report of his or her death. Families have complained to boards of elections, Sen. Uecker said, about the emotional toll of receiving such notices.

Sen. LaRose said he was concerned that removing the requirement could lead to voters accidentally being removed from the rolls and not finding out until they go to vote. He said that recently happened to a Legislative Service Commission staffer.

"The idea was that just like any other change in voting status, there would be a notification sent to the household," he said.

Sen. Michael Skindell (D-Lakewood) said stopping the notifications could lead to some people being unable to vote. That outweighs the concerns of families who are upset by receiving the notification, he said.

"Causing cancellation is the greater harm," he said.

Sen. Brown said she would like to hear more from county boards of elections about how they receive death notifications.

Sen. Uecker said he would be open to whatever the committee decides to do with the provision, but asked that members keep an open mind and hear testimony from local election officials.

Dating Protection Order Bill Eyed For Quick Committee Approval

A priority House bill to permit domestic partners to obtain civil protection orders appears poised for quick committee passage, according to the committee's chairman.

The measure (HB 154) would close a loophole that sponsor Rep. Emilia Sykes (D-Akron) said "leaves thousands of Ohioans without recourse in the event of dating violence."

After a first hearing Wednesday featuring emotional testimony from domestic violence survivors and advocates, House Civil Justice Committee Chairman Rep. Jim Butler (R-Oakwood) said the bill should move quickly.

"We'll probably have it for a possible vote next week," he said.

That's good news for Rep. Sykes and other advocates who were disheartened when the bill which had been on the verge of passing fizzled out during the lame duck session when the Senate declined to take a concurrence vote.

In that case, the language from Rep. Sykes and former Rep. Christie Kuhns was amended into a separate bill on the House floor during the final night of session. The Senate then opted not to move the bill, saying the amendment was too "complicated" to pass at the zero hour. (See Gongwer Ohio Report, December 9, 2016)

Now the bill is back with the support of Republican House leadership and with Rep. Nathan Manning (R-N. Ridgeville) stepping in as lead co-sponsor in place of former Rep. Kuhns.

In her testimony, Rep. Sykes said abuse victims who don't meet the statutory definition of domestic violence have too little recourse to protect themselves and their children.

"House Bill 1 is necessary because Ohio currently defines domestic violence as violent acts occurring between spouses, family members, those cohabiting, living as spouses, or individuals who share a child in common," Rep. Sykes said. "People in ongoing, substantial, intimate, and dating relationships are not included."

Rep. Manning emphasized the bill would not create an additional class of protection order. Rather, it would fold domestic partners into those eligible to apply for existing orders.

"Due to the risk of ongoing violence in these situations, it is important that all victims of abuse have resources to protect themselves," Rep. Manning said. "Many people argue that a piece of paper is not going to protect someone from harm, but studies have shown that violence stops completely or is significantly reduced when a protection order is in place."

Others testifying in support included representatives from the Summit County Victim Assistance Program, Northeast Ohio Medical University and its police department, and Cleveland Clinic Akron General along with a Summit County Juvenile Court judge.

But perhaps the most powerful testimony came from a pair of domestic violence survivors who described in detail their experience.

Victoria Morgan described having her own protection order request rejected only to see her attacker later force his way into her home and kick her twice down a staircase.

"A lot of times, people only think about the physical signs of abuse," she said. "But the emotional is so much worse. Going through counseling, putting my children through counseling. ... I urge you to pass this bill. It's needed."

Liv Out Loud Founder and CEO Diona Clark recounted her experience in which she ended a relationship, and then her ex-boyfriend arrived at her new home with a gun, trapping her inside.

"After about an hour, he finally let up from the door and I went to reach for the doorknob and he shot me twice at point blank range, once in the chest and once in the wrist," she said.

"My life was spared, but another life could be lost due to lack of proper protection and services to turn to," she continued. "HB 1 can provide adequate help for individuals in need. I am determined to fight for individuals who are victimized; therefore I am determined to fight for HB 1."

Opponents Of 'Pastor Protection Act' Warn Of LGBT Discrimination, But Speaker Expresses Support

Speaker Cliff Rosenberger indicated support Wednesday for a controversial bill on same-sex marriage, which a couple hours later was the target of intense criticism from several clergy members and other opponents.

Similar legislation (HB286, 131st General Assembly) was introduced in the last legislative session but never cleared committee.

However, Speaker Rosenberger (R-Clarksville) said after session the bill (HB 36) is a priority for many House Republicans, and that it would reaffirm protections already enshrined in the Ohio Constitution.

"We have a lot of people in the caucus interested to see something happen with this," he told reporters.

The speaker said his caucus is going to talk more about the bill next week.

"The state constitution already provides for a lot of protections and I think what we'll be doing is passing a bill that just reaffirms that," he said.

Prior to Wednesday's committee testimony, which focused on opponents, Rep. Nino Vitale (R-Urbana) amended the bill with language he said would clarify that it does not invalidate other rights of clergy members.

Afterward, a Democratic lawmaker, nearly a dozen pastors and others denounced the controversial measure, which would codify that no licensed minister or religious organization is required to perform or host a marriage ceremony that does not conform to their religious beliefs.

Delivering testimony to the panel, Rep. Nickie Antonio said the so-called Pastor Protection Act is unnecessary, offensive to members of Ohio's LGBT community and has the potential to damage the state economically.

The Lakewood Democrat said in testimony that both federal and state law provide religious freedom protections that prevent ministers and religious institutions from being forced to take part in wedding ceremonies with which they disagree. She likened the legislation to a controversial North Carolina law that prevented local governments from implementing anti-discrimination laws and forced transgendered individuals to use the restroom of their birth gender.

"If we codify discrimination in Ohio through this bill, we could open the floodgates to confusion and the public's overall disgust with discriminatory legislation," she said. "We need look no further than North Carolina to know that bills that would codify discrimination, don't sell. In North Carolina, PayPal cancelled 400 jobs, Bruce Springsteen canceled his concert, the NBA pulled the All-Star Game, and the NCAA moved its championship games out of state, costing millions, if not billions in lost revenue and payroll."

Rep. Antonio instead suggested that lawmakers move legislation that would ban LGBT discrimination in employment and housing.

"No matter how this debate goes forward I believe it is important for us to remember that we may disagree and discern another person or group to be wrong-but when that discernment causes us to value another person or group less, then we've crossed the line into judgment, condemnation, and exclusion," she said. "I am hopeful we will not cross that line. I respect the members of the clergy who have concerns my hope is that we will experience mutual respect for the dignity and worth of all couples including same sex couples."

Rep. Janine Boyd (D-Cleveland Hts.) asked Rep. Antonio, the first openly gay member of the Ohio legislature, if she and her married partner considered having their wedding ceremony in a place of worship that is not open to non-traditional marriage.

"We went to the place that we knew would embrace us, that would celebrate us," Rep. Antonio replied.

Rep. Michael Sheehy (D-Oregon) asked if she is aware of any lawsuits filed due to a member of the clergy's failure to solemnize a marriage. Rep. Antonio said she is not aware of any such litigation. Even so, she said the bill would not prevent such a lawsuit from being filed.

"With or without this law, anyone in Ohio has the ability to file a lawsuit if they feel they have been wronged," she said.

Rev. Virginia Lohmann Bauman, senior pastor of St. John's United Church of Christ in Columbus, called the legislation "a thinly veiled attempt to legitimize bigotry" and drew a

comparison with the U.S. Supreme Court case of *Loving v. Virginia*, in which the high court struck down laws banning interracial marriage.

"And yet for decades after that case was decided, and in fact, even today, racist pastors in their own churches refuse to marry, with impunity, inter-racial couples they deem unfit to be married in their church," she said in her testimony. "And that right to officiate, or not, in the pastor's own house of worship, is constitutionally protected by our federal and state constitutions. Interestingly, at no time after the *Loving* decision did the Ohio legislature find it necessary to 'protect' pastors from being 'forced' to marry inter-racial couples outside of that pastor's faith beliefs."

Rep. Niraj Antani (R-Miamisburg) took issue with the characterization that the legislation is an attempt to "legitimize bigotry" and questioned Ms. Lohmann Bauman on how she could be so certain that there is no need for the measure.

"There is no precedent for this. How can you say this is redundant?" he asked.

Ms. Lohmann Bauman responded by saying that it is not the job of the legislature to legislate "hypothetical fears" and said that U.S. Supreme Court Justice Anthony Kennedy in the *Obgerfell* decision legalizing same-sex marriage made clear that it would not interfere with religious protections provided by the First Amendment.

Rep. Ron Hood (R-Ashville) questioned whether Ms. Lohmann Bauman was characterizing those members of the clergy who support the measure as bigots. (See Gongwer Ohio Report, February 8, 2017)

"I do believe they are asking the legislature to do something inappropriate," she said, adding that the question would be best answered by each of the members of the clergy supporting the legislation.

Rep. Stephanie Howse (D-Cleveland) asked Ms. Lohmann Bauman if she is aware of any lawsuits filed against a member of the clergy that has refused to conduct a marriage ceremony for any reason.

"There are none that I'm aware of," she said.

Ms. Lohmann Bauman was among 11 members of the clergy that submitted testimony in opposition to the bill.

Rev. Joseph M. Cherry of the Unitarian Universalist Society of Cleveland raised the specter that the legislation could pave the way to allow civil servants to discriminate against members of the LGBT community.

"Civil servants must fulfill the law or face the consequences," he said in his testimony. "They are not subject to exception based upon their faith, religion or tradition. If they do not wish to perform all of the duties that their civil position requires, they are free to seek other employment. No one is conscripted into civil service."

Rev. J. Bennett Guess of the United Church of Christ, who said he refused to sign marriage licenses for the 11-year period in which the ban against same-sex marriage was enshrined in the state constitution, called the bill "a solution in search of a non-existent problem."

"Bogus' is the only word I have for it," he said in prepared testimony. "While purportedly designed to protect clergy and places of worship from performing or hosting marriages against their wishes, it is unnecessary and a complete waste of taxpayers' time and money."

Opposition testimony, however, was not confined to members of the cloth and Rep. Antonio. Alana Jochum of Equality Ohio told the panel that the legislation gives wide latitude to undefined "religious societies."

"Religious entities play many roles in our state. Catholic Charities and Salvation Army, for example, provide a host of social services, crisis intervention, temporary housing, after school programs, and even food assistance. Many receive state and federal funding to do so, and are obligated to serve everybody equally in these programs," she said in prepared testimony. "Religious entities, therefore, are not always simply 'houses of worship;' they also include entities that engage in commerce -- by operating conference centers, reception halls, engaging in equipment rental, and much more."

Lisa Wurm, policy manager for the ACLU of Ohio, said her organization would defend the freedom of religion if clergy members were required to conduct marriages that violate their religious tenets.

"At the same time, we will not allow the guise of religious freedom to harm others," she said in prepared testimony. "This is what it means when religious liberty turns from acting as a shield to a sword. We've rejected the sword approach during the civil rights era, when religion was used as a reason to refuse integration in businesses and in our public areas. We need to continue to reject it now."

Senate Resumes Debate Over Disposal Of Fetal Remains

Legislation dealing with the disposition of fetal remains from abortions had its first hearing in a Senate committee Wednesday, with some members voicing concerns that it would face legal challenges.

The bill (SB 28) is similar to one introduced last session (SB254, 131st General Assembly) as part of a flurry of legislation that followed an investigation by Attorney General Mike DeWine into the disposal of remains.

The measure's sponsor, Sen. Joe Uecker (R-Loveland), told the Senate Government Oversight and Reform Committee the bill is designed to ensure the proper disposal of remains.

"Last year it was brought to my attention that the Ohio Revised Code does not contain procedures regarding the disposal of aborted infant remains," he said. "In fact, most states lack such policies."

The bill declares that an abortion facility can only dispose of aborted remains through cremation or interment and grants the mother the right to determine the final disposition of remains, Sen. Uecker said. It would also require the Department of Health to maintain records of the woman's decision and the final disposition.

Sen. Kenny Yuko (D-Richmond Hts.), the ranking Democrat on the panel, said similar legislation in Indiana and Texas has been challenged and overturned in courts, and he was worried it was setting the state up for expensive legal issues.

He also said there didn't appear to be any real reason for the bill, as investigations have not turned up a pattern of problems with the disposal of remains.

"I know as legislators, we get contacted by people asking us to look at possible legislation and here's the reason why," he said. "I just can't think of the reason why in this case."

Sen. Uecker said the state should take steps to ensure fetal remains are respected.

"I believe that the right to life is the very first right we have, possibly the most important right we have," he said. "I believe that the way society shows this is crucial."

He also said he believed there were differences between his bill and the legislation in Texas and Indiana, and that it would be more likely to withstand judicial scrutiny.

Sen. Frank LaRose (R-Hudson) asked if the bill would apply to all fetal remains or just those from surgical abortions. The sponsor said it would only apply to the remains from surgical abortions.

Sen. Michael Skindell (D-Lakewood) asked if it was appropriate for the state to single out one kind of fetal remains.

"What state interest is being served by the unequal treatment of just surgical fetuses versus any other fetal death?" he asked.

Chairman Sen. Bill Coley (R-Liberty Twp.) said he and the committee will take a serious look at vetting all of the legal implications of the bill with the hopes of avoiding burdening the state with lawsuits.

Senate Advances Measure Creating Perry County Municipal Court

Once again, the Senate unanimously passed legislation to establish a county municipal court in Perry County.

The latest 33-0 vote, during a session Wednesday, marked the third time the chamber has approved the bill. In the most recent instance, the bill cleared the Senate, only to be held up in a House committee during the 2016 lame duck session. (SB 299, 131st General Assembly)

"This will be the third time this body has voted on this and it's my hope the House can act expeditiously on it and we can secure timely order of justice for the citizens of Perry County," sponsor Sen. Jay Hottinger (R-Newark) told colleagues on the Senate floor.

In addition to creating the court, the bill (SB 25) authorizes one full-time judgeship and provides for the nomination of that judge by petition. Upon its effect, the bill would abolish the existing Perry County Court and designate the county's clerk of courts as the clerk of the newly formed court.

Supporters - including the Ohio Supreme Court - say the court is needed after New Lexington eliminated its mayor's court in 2013, a cost-saving move that increased the caseload of other county courts from 1,800 cases a year to between 5,000-6,000 cases a year.

The bill contains an emergency clause, which was accepted by a 33-0 vote. That provision was necessitated, Sen. Hottinger said, by a committee amendment requested by the Ohio Supreme Court.

Added earlier this week, the amendment allows members of the Criminal Justice Recodification Committee to continue serving after they're no longer officeholders.

The Senate also unanimously passed a resolution (SCR 4) that permits the Senate President and House Speaker to appoint individuals to write arguments for and against proposed constitutional amendments.

Similar provisions have been passed unanimously each session since 1974, said sponsor Sen. Bob Peterson (R-Sabina).

Obhof Gaggle: Speaking to reporters after session, Senate President Larry Obhof (R-Medina) said he anticipates the chamber will act quickly on approving the governor's request for a joint session April 4 in Sandusky for the State of the State address. (See Gongwer Ohio Report, February 13, 2017)

Formal resolutions to convene the joint session had not been introduced by lawmakers in either chamber as of Wednesday afternoon.

"I think it's a great opportunity to showcase some of our natural resources, particularly the lake," he said. "I've spoken with (Sen. Randy) Gardner several times about possible activities up there and I think this will give us a chance to focus on some of the water quality efforts we've done over the last few years and maybe some that are coming up and to highlight Ohio's tremendous tourism industry."

He said the Senate could hold two or three committee meetings on site in Sandusky, although no firm plans have been made.

Asked about the recent introduction of a House right-to-work bill (HB 53), Sen. Obhof said the issue isn't a priority for Senate leadership.

"As with any piece of legislation, we'll give thoughtful consideration to anything that comes to our chamber," he said. "I would say you'd have to speak to the individual caucus members but we have done significant reforms in recent years.

"I'm not aware of anybody in the Senate that plans to introduce a bill about that subject but there are 33 members and I haven't called the other 32 to see where everybody is on what bills everyone's introducing. I don't micromanage like that," he continued.

Bill To Start School After Labor Day Will Get Thorough Review, Lehner Says

It is unlikely that watchers of a bill that would move the first day of school to after Labor Day will know soon whether it has the Senate Education Committee's support.

Chairwoman Sen. Peggy Lehner (R-Kettering) said she's planning for long discussions on the bill (SB 34) as well as another to create a funding program for school technology infrastructure upgrades (SB 8).

"I think both of the ones that were in (committee) today are going to require a fair amount of hearings," she said.

The panel will also extensively review anticipated legislation on end-of-course exams and student suspensions in addition to a recently referred bill (SB 39) addressing questions about e-school attendance tracking, she said.

The school start date measure, sponsored by Sen. Gayle Manning (R-N. Ridgeville), has generated considerable buzz among school districts and parents since it was first unveiled late in the last General Assembly.

Waiting to open schools until after Labor Day would alleviate issues caused by a lack of air conditioning or functioning windows in schools when it is hot, as well as give families more time to vacation, Sen. Manning said.

"This additional vacation time for families also helps to promote economic activity," she said. "This can create and maintain jobs, providing additional local tax revenues that support our schools and local public safety resources."

Sen. Manning stressed that the bill shouldn't interfere with local control because it has an opt-out provision allowing school boards to continue setting the start dates of their choosing. Boards would be required to hold a public hearing before voting to opt out.

The change from calculating the school year in days to hours would also make it possible for districts to maintain their current end dates while pushing back the start date, she added.

While tourism industry leaders are expected to once again testify in support of the measure that they say will benefit the state's economy, it's likely many school districts won't be in favor.

Sen. Lehner said after the meeting that she's "open to" starting school in September because other states already require it without issue. However, she acknowledged there could be logistical problems and that public hearings on the issue have the potential to cause rifts between schools and parents.

"At what point does it become an opt out versus a, 'Hell no we won't go,'" she questioned.

Regardless of concerns and the inability of the proposal to pass through previous legislatures, the chairwoman at the end of Wednesday's discussion promised Sen. Manning that the bill will continue to be seriously considered.

The committee also heard sponsor testimony on a bill to allow schools that are low on the School Facilities Commission's priority funding list to receive dollars now for technology and safety upgrades. A companion measure (HB 37~~00~~) started its journey through the House Education and Career Readiness Committee on Tuesday. (See Gongwer Ohio Report, February 14, 2017)

Joint sponsor Sen. Randy Gardner (R-Bowling Green) said he'll be pushing to move the bill through the upper chamber before spring break.

"This was a recommendation in Senate Bill 3 (in the 130th General Assembly), but this amps this issue up another notch to do something that we believe can be very meaningful for schools and school children around the state," he said of the bill that would require the School Facilities Commission to create a technology infrastructure funding program as opposed to current law that permits it.

Sen. Gardner told committee members that the two-page bill would give OSFC the ability to structure the program in the way it deems best after receiving input from stakeholders.

Despite his optimism that the bill will be reported out of committee in the next few weeks, Sen. Lehner said it will likely require multiple hearings and stakeholder meetings to continue "ironing out some of the questions."

She suggested that the sponsors consider whether charter schools would be eligible for the funding and Sen. Vernon Sykes (D-Akron) raised questions about if and how district priority would be determined.

Victim's Rights Group Announces Campaign Kickoff

Law enforcement officials and advocates on Wednesday announced the official kickoff of a statewide campaign to enshrine new requirements for the treatment of crime victims into the Ohio Constitution.

Supporters of the so-called Marsy's Law, named after a murder victim who died in 1983 and patterned after similar laws in other states, appeared at a Statehouse news conference and urged support for the changes, which if the coalition is successful would appear on the Nov. 7 ballot.

The Marsy's Law for Ohio amendment would mandate that crime victims: Receive notification of all legal proceedings; are provided the opportunity to be heard during the various steps of the process, such as parole hearings; are allowed to give input on plea deals; and are provided restitution resulting from the financial impact of the crime.

"By placing guarantees into the Ohio Constitution that a victim's rights will be protected, Marsy's Law for Ohio will be another important tool for prosecutors in the battle to help crime victims," longtime Franklin County Prosecutor Ron O'Brien said in a statement.

While the state's constitution already includes some protections for crime victims, supporters of the amendment say they don't go far enough.

"The rights of crime victims are too important to be allowed to fall through the cracks in the criminal justice system," Franklin County Sheriff Dallas Baldwin said. "I have long believed that the rights of crime victims should be respected just as much as the rights of the accused. Marsy's Law for Ohio is a much-needed change to Ohio's constitution."

Also appearing at Wednesday's event were representatives of crime victim advocacy groups and survivors of violent crimes.

"My rights as a victim in the domestic violence case against my husband were routinely violated and no one in the system seemed to care," crime victim Danielle Morlan said. "Marsy's Law for Ohio will change that and give crime victims the ability to protect and enforce their rights."

The campaign committee was cleared to begin collecting signatures last week when the Ohio Ballot Board agreed the proposal constituted a single issue. (See Gongwer Ohio Report, February 8, 2017)

Supporters have until July 5 to gather 305,591 valid signatures and meet other requirements to qualify for the fall ballot.

Lawmaker: CAUV Formula A 'Major Butt-Kicker' For Farmers

Sen. Cliff Hite (R-Findlay) on Wednesday renewed his effort to overhaul the Current Agricultural Use Value tax formula in testimony before the Senate Ways & Means Committee.

The proposal he outlined (SB 36) is identical to his prior bill on the subject (SB246, 131st General Assembly), he said. But he's hoping this year's bill will fare better than the last, which received six hearings in the Senate but failed to advance beyond committee.

"I understand the angst. I'm sure the Department of Taxation is going to pull their hair out," Sen. Hite said. "We've been thinking about this and talking about this for a long time. It's time to do something. It's time to give relief to these farmers."

Farmer groups for their part have already vowed to "carry the CAUV fairness fight into 2017." They say the formula that has worked fine for decades has become skewed and is driving up their tax burdens, threatening to force them out of the profession. (See Gongwer Ohio Report, December 20, 2016)

Opponents, including statewide school groups, have previously opposed the change out of concerns it will negatively impact school funding.

Predicting that those concerns will return before the committee in testimony this session, Sen. Hite urged lawmakers to put themselves in the position of farmers.

"If any of you were doing your taxes this time of year and you discovered your taxes were going to go up 300% you would freak out, especially if you're on a fixed income, especially if you're a brand new, let's say, farmer trying to get started," he said."

The bill would prohibit the use of certain nonagricultural factors in the valuation of farmland, which the sponsor said would improve the accuracy of the formula.

"Including these assumptions has no bearing upon the land's capability to produce agricultural income, which is the sole purpose of the CAUV formula," he said. "These factors arbitrarily inflate the value of farmland based on market considerations and do not in any way account for how much income is achieved."

The bill would also remove disincentives to engage in conservation practices, which he said undermines the formula's original intent to preserve land.

"If I don't have an incentive to keep my woodlands, I'm going to plow them down and make more money," Sen. Hite said. Although that is currently happening, he said, it's not yet occurring on a large scale.

He acknowledged that the taxation percentage for some farmers is currently going down, but asked lawmakers to keep that in perspective.

"To me going from (a) 350% (increase) to 310% is going down but, in layman Coach Hite language, it's a major butt-kicker anyway," he said. "It's not even apples and oranges. It's like apples and squirrels."

In response to questions, Sen. Hite committed to providing specific numbers on several aspects of the issue to senators moving forward. Among the unanswered questions was how the CAUV applies to urban farmers.

Sen. Hite did express support for an idea from Sen. Louis Terhar (R-Cincinnati) to implement a "collar" on the formula so that the taxes owed in any one year could not rise above or drop below specific levels.

"But there's a caveat," Sen. Hite replied. "The formula from the '70s has the capacity to also go down and so if you change that formula the chances of going way down would be eliminated with the (collar). I don't know what is better."

Sen. Peggy Lehner (R-Kettering) requested more detail on woodland preservation regarding the CAUV. Sen. Hite replied that the woodland in question is typically small and serves as a wind or snow buffer. Under the current formula, however, farmers stand to gain money from clearing that land to free up new farmland, he said.

Sen. Bob Hackett (R-London) agreed that something must be done. He criticized a time lag present in the formula in which farms going through tough times are still paying taxes for healthy years from 2012 and 2013. Meanwhile, he said, the industry is struggling with historically low interest rates and simultaneously high crop prices.

"We just have to update the rules and make them fit the times," Sen. Hackett said.

Sen. Bob Peterson (R-Sabina) agreed the historically low capitalization rates have "skewed the formula" and forced land values to be higher than they should be.

Predicting a robust discussion on the issue as the bill moves forward, Sen. Hite requested committee members keep in mind the importance agriculture plays in Ohio's economy. Potential farmers are being deterred from entering the profession, he said.

"We can't allow that to happen when it's our number one industry in the state of Ohio," he said. "This is a change to make sure we preserve that."

Insurers, Regulators Eyeing DC For Health Policy Changes

State insurance regulators and the health insurance industry are closely monitoring the federal debate over the future of the Affordable Care Act to determine the impact that changes could have on Ohio consumers and the marketplace, stakeholders told a House panel on Wednesday.

Jillian Froment, deputy director of the Ohio Department of Insurance, and Miranda Motter, president and CEO of the Ohio Association of Health Plans, both said changes could have a far-reaching impact on the Ohio market.

Ms. Froment told the House Insurance Committee that the full impact of any federal changes won't be known until a final product is in place.

She said, however, that insurers will be filing their 2018 rates and policies within the next two months. "We are incredibly concerned about what this looks like for Ohio," she said.

Ms. Froment noted that those filings will be based on current law. If there are changes, ODI will have to be flexible to accommodate for adjustments.

"At this point, they're looking for clarity," she said of insurers. "And that's what the department's looking for."

Ms. Motter said federal changes could either bring stability or volatility to insurance markets.

The federal law, she said, did little to address health care costs, and said efforts should be made to identify key cost drivers - including medical service rates and prescription costs. Further, she said OAHP wants to increase transparency so Ohioans have more information about the cost of the medical services they are obtaining.

Other key cost-related issues, she said, are state and federal mandates, taxes and fees.

ODI: In an introductory presentation, Ms. Froment told the panel the agency regulates insurers and agents across Ohio, and is pleased that Ohio is home to a robust insurance industry. The agency's goal is to assure consumer protection while promoting a stable and competitive environment.

She said Ohio is the sixth-largest state by premium volume, and represents the world's 17th-largest insurance market.

She told Rep. Michael Henne (R-Clayton) that the use of data analytics is at the center of the rate-setting process. Rates, she said, need to be tied to the risk of loss or expense.

Rep. Andy Brenner (R-Powell) asked how the department will be reviewing auto insurance rates with the expected increase in the use of automated vehicles.

Ms. Froment said that will be a big issue in the future, adding the agency expects the industry to come to an agreement the same way insurance issues were addressed with ride-sharing services like Uber.

Discussions on that front are ongoing with large auto insurers, she said. "We're seeing them come to the table with some really good ideas."

OAHP: Ms. Motter said her members want to promote quality care and affordable coverage.

She said 52% of Ohioans receive their coverage through employer-sponsored plans, and a majority of those employer plans are self-insured. That means local business leaders are often the ones determining the scope of coverage for the majority of Ohioans.

A key issue for insurers is the cost of health services, Ms. Motter said. "If health care is expensive, health insurance is expensive," she said.

Ms. Motter also said lawmakers can take another step to address Ohio's opioid problem by limiting the availability of medication that can be addictive. She said OAHP backs federal recommendations to reduce the number of pills that are issued to treat certain conditions.

She also told Rep. Wes Retherford (R-Middletown) that the group opposes budget language that would eliminate transparency reforms that were included in the previous budget bill.

Rep. John Boccheri (D-Alliance) raised questions about the importance of having health insurance coverage be portable, given new research indicating that many young people will change jobs many times over their lives. Ms. Motter said that is an issue that can be discussed among member plans.

OII, AOLIC: Dean Fadel of the Ohio Insurance Institute and Greg Lestini, representing the Association of Ohio Life Insurance Companies, also briefed the committee on the role and scope of their members' industries.

Mr. Fadel said there are 972 property and casualty companies licensed to do business in Ohio, and strong competition helps keep the state's average rates well below national averages.

The state's average auto insurance rate is the 12th lowest, while the average homeowner's insurance rate is 30% less than the national average, he said.

He said the industry is a key economic driver, accounting for a significant number of employees and economic activity.

Mr. Fadel said the industry is pleased that a number of educational institutions have added insurance-related programs and certificates, saying that training is important to the industry's future in Ohio.

Mr. Lestini also said Ohio is fortunate to have some of the lowest-cost life insurance options available.

He said 40 life insurers are domiciled in the state, and all insurers have six million policies valued at \$960 billion in place. Life insurance companies also make other contributions to the state by investing in mortgages and owning property, he said.

Mr. Lestini said Ohio is known as a stable state in terms of regulation, and it is important that the premium tax the industry pays is preserved. He also cautioned lawmakers against imposing new taxes on out-of-state insurers, saying the threat of retaliatory taxes could create issues for Ohio companies that sell policies elsewhere.

Subscribers Note: The presentations are available on the committee's website under Feb. 15.

Survey Shows Restaurant Owners Optimistic; Cedar Fair Has Record Fiscal Year; Diebold, DDR Report Financials

Restaurant owners and operators entered the new year with optimism after a strong finish to 2016, according to Ohio Restaurant Association survey results.

Restaurateurs in the state told ORA that they're planning for a 4% same-store sales increase in 2017 after experiencing an average 3% sales increase across the industry last year.

"The Ohio restaurant scene is dynamic with growth opportunities for concepts with outstanding brand positioning, great food, A+ guest service and flexible models that offer many customer touch points such as mobile ordering and delivery," ORA President and CEO John Barker said in a statement.

"Same-stores sales in Ohio during the fourth quarter were positive for our industry, up more than 3% as we experienced mild weather and strong traffic around the holidays," he added. "Growth slowed in January, but owners are bullish about the year due to strong consumer confidence and a soaring stock market."

About 80 restaurateurs throughout the state with an average of 2.5 restaurants and revenue per company of about \$5.7 million replied to the survey, which also asked about food delivery utilization, food delivery impact, off-premise occasions, and food and labor cost outlooks.

Cedar Fair: The Sandusky-based theme park company continued to break records in 2016, ending the year with \$1.29 billion in revenues.

It reported the revenues, which were up 4% from 2015, along with net income, that came in at \$178 million, or \$3.14 per diluted limited partner unit.

The increases go hand-in-hand with others, including a 3% jump in attendance to 25.1 million guests last year, the company said. Average in-park spending also increased 2% to a record \$46.90 per guest.

Out-of-park spending also hit record numbers, coming in at \$146 million - a 6% increase from 2015. Cedar fair attributed those revenues in part to higher occupancy rates and average daily room rates at the company's resort properties.

"We credit this achievement to our unique regional brands and the positive responses we have received for our special events programming and immersive entertainment offerings," CEO Matt Ouimet said. "These individual park brands allow us to provide our guests an experience unmatched by other generic amusement parks. This in turn has resulted in strong guest loyalty within the regions we operate and decades of record growth across all revenue channels."

Based on the year-end earnings report, the company said it's confident it will achieve its long-term growth goal of \$500 million in Adjusted EBITDA by the end of 2017, which is a year earlier than planned.

Diebold Nixdorf: The company reported fourth-quarter revenue of \$1.2 billion - an increase of nearly 104% over last year as a result of the acquisition of Wincor Nixdorf.

Full-year revenue also increased 37.1% to \$3.3 billion compared to 2015, the company said. It cautioned, however, that comparisons to previous periods are materially affected by the August acquisition.

DDR: The Beachwood company posted fourth quarter net income attributable to common shareholders of \$28.1 million, or \$0.08 per diluted share

For its full fiscal year ended Dec. 31, it reported net income of \$37.6 million, or \$0.10 per diluted share. That's an improvement over last year, when it saw a net loss of \$94.5 million, or \$0.27 per diluted share.

Supplemental Agency Calendar

Thursday, February 16

~~Canceled: Real Estate Appraiser Board, 77 South High Street, 22nd Floor, Columbus, 9:30 a.m.~~

Wednesday, February 22

~~Racing Commission, 77 S. High St., Rm. 1960, Columbus, 10 a.m.~~

~~State Personnel Board of Review, 65 E. State St., 12th Fl., Columbus, 10 a.m.~~

Wednesday, March 22

~~State Personnel Board of Review, 65 E. State St., 12th Fl., Columbus, 10 a.m.~~

Supplemental Event Planner

Wednesday, February 22

**Ohio Farm Bureau Ag Day at the Capital, Sheraton Columbus Hotel, 75 State Street, Columbus
Tuesday, March 21**

**Ohio Craft Brewers Association legislative reception, Wolf's Ridge Brewing, 215 N. 4th St.,
Columbus, 5 p.m.**

17 S. High St., Suite 630

Columbus Ohio 43215

Phone: 614-221-1992 | Fax: 614-221-7844 | Email: gongwer@gongwer-oh.com

**Scott Miller, President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin
Ensinger, Jon Reed, Staff Writers**

Click the  after a bill number to create a saved search and email alert for that bill.

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Daily Activity Planner for Thursday, February 16

Legislative Committees

House Finance: State Government & Agency Review Sub. (Chr. Faber, K., 466-6344), Rm. 121, 9 a.m.

- Budget testimony from Optical Dispensers Board, Optometry Board, Dietetics Board, and Public Testimony.

House State & Local Government (Committee Record) (Chr. Anielski, M., 644-6041), Rm. 116, 9 a.m.

HB 5 **MICROBUSINESSES** (Pelanda, D., Gavarone, T.) To create a statutory definition of "microbusiness." (2nd Hearing-All testimony)

HB 12 **OFFICIAL STATE STRUCTURE** (Gonzales, A.) To designate the barn as the official historical architectural structure of the state. (2nd Hearing-All testimony)

HB 31 **GOVERNMENT CONTRACTING** (Cupp, R.) To abolish the Government Contracting Advisory Council. (2nd Hearing-All testimony)

HB 34 **PUBLIC NOTICES** (Hambley, S., Ryan, S.) To authorize certain state agencies, local governments, and other boards, commissions, and officers to deliver certain notices by ordinary mail and electronically instead of by certified mail. (2nd Hearing-All testimony)

House Finance: Agriculture, Development & Natural Resources Sub. (Chr. Thompson, A., 644-8728), Rm. 018, 9 a.m.

- Budget testimony from OARDC and OSU Extension, Petroleum Underground Storage Tank Release Compensation Board, Environmental Review Appeals Commission and Consumers' Counsel

Joint Medicaid Oversight Committee (Committee Record) (Chr. Huffman, S., 466-7584), Finance Hearing Rm., 9 a.m.

- Expansion Population - Ohio Medicaid Group VIII Assessment by Barbara Sears, Director, Ohio Department of Medicaid

Joint Education Oversight Committee (Committee Record) (Chr. Hite, C., 466-8150), South Hearing Rm., 9:30 a.m.

- Presentation from Superintendent of Public Instruction Paolo DeMaria on Ohio's Draft Accountability Plan for the Federal Every Student Succeeds Act.

House Aging & Long Term Care (Committee Record) (Chr. Arndt, S., 644-6011), Rm. 113, 10 a.m.

- Presentations by the Ohio Department of Aging and Ohio Department of Job & Family Services

House Finance: Higher Education Sub. (Chr. Perales, R., 644-6020), Ohio History Center, 800 E. 17th Ave., Cardinal Classroom, Columbus, 12 p.m.

- Budget testimony from Ohio History Connection, Ohioana Library Board, Ohioana Library Association

Agency Calendar

State Teachers Retirement System, 275 E. Broad St., Columbus, 8 a.m.
School Employees Retirement System, 300 E. Broad St., Columbus, 8:30 a.m.
~~Canceled: Real Estate Appraiser Board, 77 South High Street, 22nd Floor,~~
~~Columbus, 9:30 a.m.~~
Children's Trust Fund, 77 South High Street, 31st Floor, Room East B, Columbus,
10 a.m.
Tuition Trust Authority, 77 S. High St., 31st Fl., West B&C, Columbus, 10 a.m.

Event Planner

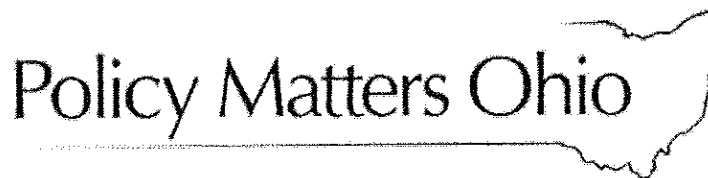
No events scheduled.

17 S. High St., Suite 630
Columbus Ohio 43215
Phone: 614-221-1992 | Fax: 614-221-7844 | Email: gongwer@gongwer-oh.com

Scott Miller, President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin Ensinger,
Jon Reed, Staff Writers

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From: Policy Matters Ohio
Sent: Thursday, February 16, 2017 11:36 AM
To: Alexander, Steven
Subject: Press statement: Nomination of Acosta for Secretary of Labor a likely improvement



For immediate release
Contact Hannah Halbert
614.397.6080

Nomination of Acosta for Secretary of Labor a likely improvement

Vetting needed, but new nominee appears friendlier to workers

After the failed nomination of Andrew Puzder for Secretary of Labor, the Trump administration put forward Alexander Acosta, dean of the Florida International University College of Law and former assistant attorney general for the Civil Rights Division under President George W. Bush. Policy Matters Ohio sees this move as a step in the right direction for working people.

"Rigorous vetting is still needed but unlike Puzder, Acosta does not appear to be a nominee bent on dismantling the institution he is set to lead," said Hannah Halbert, researcher with Policy Matters Ohio. "The Department of Labor must be dedicated to welfare and safety of wage-earners. Not their bosses."

Ohioans value worker rights. The state overwhelmingly voted down laws that sought to restrict collective bargaining and voted in support of a state constitutional amendment that increased and indexed the minimum wage. As hearings begin, working people of Ohio will want to know where Acosta stands on these issues. Policy Matters will look for evidence that Acosta will work for safe and healthy workplaces, more and better jobs, and a better life for working people in Ohio and the United States.

[Read press statement online](#)

###

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with offices in Cleveland and Columbus.*



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Policy Matters Ohio, Columbus, 43215, Cleveland, OH 44114

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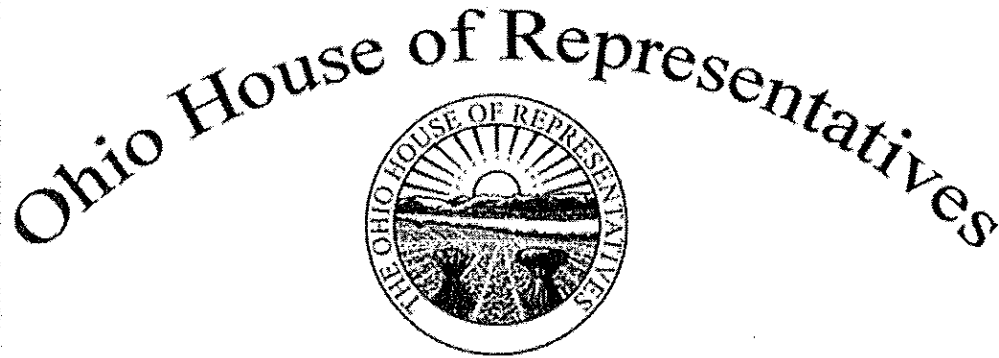
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From: Shamblin, James
Sent: Friday, February 17, 2017 12:02 PM
To: Rep37
CC: Roegner, Kristina
Subject: COMMITTEE NOTICE: The House Committee on Federalism and Interstate Relations



Announcement of Committee Meeting

COMMITTEE: The House Committee on Federalism and Interstate Relations

CHAIR: Kristina D. Roegner

DATE: Tuesday, February 21, 2017

ROOM: Statehouse Room 115

TIME: **4:00 PM**

Committee Agenda:

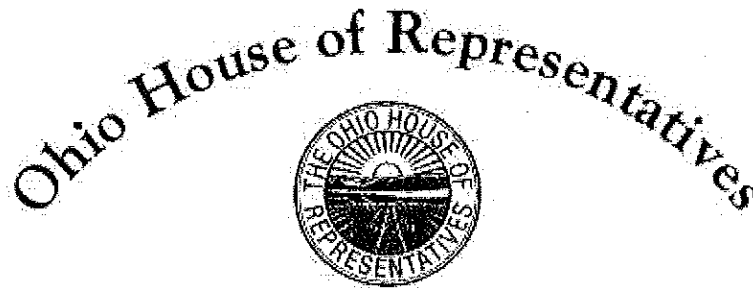
1. Committee and Member Introduction
2. Appointment of Committee Secretary
3. Adoption of Committee Rules
4. Presentation: Introduction and overview of Federalism from Daniel J. Dew of the Buckeye Institute and Peter Shane from The Ohio State University, Moritz College of Law.

The Chair respectfully requests that testifying parties submit testimony to her office

24 hours prior to committee.

Testimony can be submitted to: james.shamblin@ohiohouse.gov

From: Springhetti, Blake
Sent: Monday, March 20, 2017 8:35 AM
To: House_All
Subject: Co-Sponsor Request: Exempt State Employees Pay Portion of Dental, Vision, and Life
Attachments: Co-Sponsor Request - Requiring Exempt State Employees to Pay Healthcare Premiums.pdf



Representative Derek Merrin

47th District

MEMORANDUM

TO: All House Members

FROM: Representative Derek Merrin

DATE: March 20, 2017

RE: Co-Sponsor Request: Exempt State Employees Pay Portion of Dental, Vision, and Life Insurance Premiums

I will be introducing legislation that requires exempt state employees to pay a portion of their dental, vision, and life insurance premiums. Exempt state employees currently pay 15% of their premium for medical insurance – while paying 0% of the premium for dental, vision, and life insurance coverage. This legislation requires exempt state employees pay the same percentage for dental, vision, and life coverage as they pay for their medical insurance premium.

Key Facts:

- By having exempt state employees pay 15% of their dental, vision, and life premiums, taxpayers would save at least \$2.6 million annually.
- Legislation would impact about 16,400 exempt state employees.
- Legislation directs the state to seek the same provision when negotiating collective bargaining agreements that cover about 35,900 unionized state employees, which would save taxpayers an additional \$4.7 million annually.

If you would like to co-sponsor this legislation or have any questions, please contact my Legislative Aide, Blake Springhetti, at Blake.Springhetti@ohiohouse.gov or at (614) 466-1731 by **Tuesday, March 28 at 5:00 P.M.**

Sincerely,



Ohio House of Representatives



Representative Derek Merrin

47th District

MEMORANDUM

TO: All House Members

FROM: Representative Derek Merrin

DATE: March 20, 2017

RE: Co-Sponsor Request: Exempt State Employees Pay Portion of Dental, Vision, and Life Insurance Premiums

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Sincerely,



Derek Merrin
Ohio House of Representatives
House District 47
Office (614) 466-1731
Derek.Merrin@ohiohouse.gov
77 S. High Street
Columbus, Ohio 43215

From: Springhetti, Blake
Sent: Monday, March 27, 2017 8:18 AM
To: House All
Subject: Reminder: Co-Sponsor Request: Exempt State Employees Pay Portion of Dental, Vision, and Life
Attachments: Co-Sponsor Request - Requiring Exempt State Employees to Pay Healthcare Premiums.pdf

**Reminder: The deadline to co-sponsor is
tomorrow at 5pm**



Representative Derek Merrin
47th District

MEMORANDUM

TO: All House Members
FROM: Representative Derek Merrin
DATE: March 20, 2017
RE: Co-Sponsor Request: Exempt State Employees Pay Portion of Dental,
Vision, and Life
Insurance Premiums

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Ohio House of Representatives



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Sincerely,



Derek Merrin
Ohio House of Representatives
House District 47

Office (614) 466-1731
Derek.Merrin@ohiohouse.gov
77 S. High Street
Columbus, Ohio 43215

From: report@hannah.com
Sent: Monday, March 27, 2017 3:51 PM
To: DL_Hannah
Subject: Hannah News Stories for Monday, March 27, 2017

Monday, March 27, 2017

IN TODAY'S HANNAH REPORT:

Please click here to read the entire Hannah Report.

Today's Stories

- [Conference Committee Approves Transportation Budget with 4-2 Vote](#)
- [Poll Finds 2016 Ideological Divisions Remain among Ohio Voters](#)
- [Kasich Addresses AHCA Withdrawal on CNN Sunday, Calls Divisiveness 'Pathetic'](#)
- [Controlling Board Approves Agenda with Rare Lack of Holds from Legislators](#)
- [JCARR Hears Rules Changes on Shaving, Hunting, Case Management, Casinos](#)
- [Shale Gas Production Ends Three-Year Climb](#)
- [Kasich Administration Announces \\$4.3 million in New Tax Credits](#)
- [OSU Touts New Hydrogen Fuel Cell Bus](#)
- [Stateline: Lawmakers Look to Curb Foreign Influence in State Elections](#)
- [State Government Roundup: ECOT](#)
- [Campaign Corner: Ohio GOP](#)
- [Ohio Digest: Buckeye Institute](#)
- [Campus Chronicle: Lanzinger Papers](#)
- [Judicial Actions: Commercial Dockets](#)
- [Legislative Schedule Changes](#)

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From: Policy Matters Ohio

Sent: Monday, April 10, 2017 1:56 PM

To: Alexander, Steven

Subject: Cool new look, same hard-hitting research: News from Policy Matters

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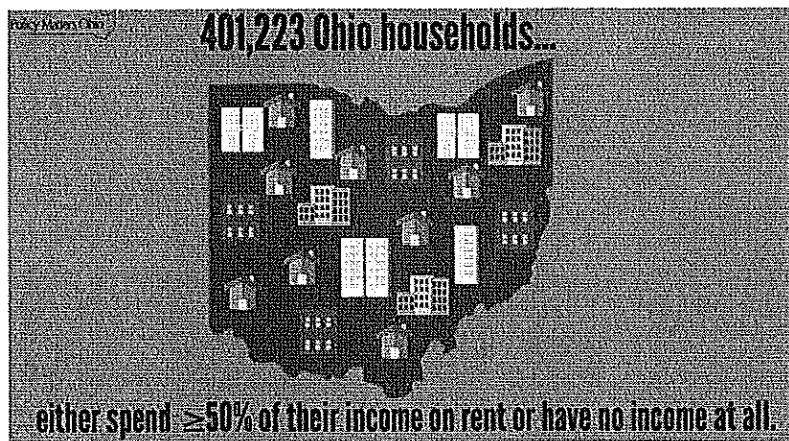
Fresh new look: If you've been on PolicyMattersOhio.com lately -- and we know you're visiting our site multiple times a day -- you've probably noticed some changes. Click around and let us know what you think! A big thank you to the Cleveland Foundation and the FORM group for funding and developing the new site.

Ohio in motion: We're driving our pro-transit agenda forward - and beginning to see results. Last week state lawmakers voted to provide \$33 million a year for new buses and infrastructure improvements for Ohio's 61 public transit agencies. That's a \$10 million increase over what Governor John Kasich proposed. But we have a long way to go - especially when many transit agencies could lose millions due to changes in the state sales tax base. We testified asking the state to make transit agencies whole. Meanwhile, Senator Michael Skindell introduced legislation to increase state funding for public transportation to \$25 million and up the use of federal flex funding for transit to \$50 million.

Do it for the kids: In his State of the State Address, Governor John Kasich emphasized the importance of education. But in an issue brief released last week, State Policy Fellow Victoria Jackson explains how his proposed 2018-2019 budget cuts funding for two-thirds of Ohio's school districts, especially the ones struggling the most. Instead, the legislature should roll back tax cuts for the wealthiest and close some of our state's unnecessary tax loopholes.

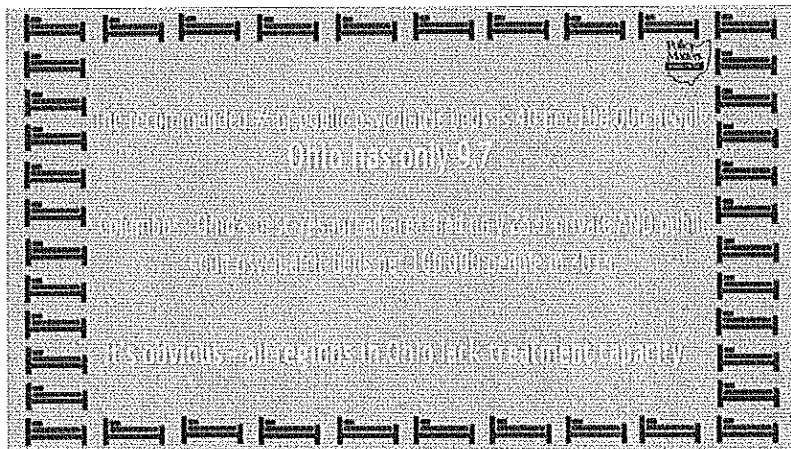
Budget Bites: Our latest Budget Bites deal with two of Ohio's most pressing issues: housing and the drug epidemic. The 2018-2019 budget falls short on both fronts.

The Ohio Housing Trust Fund



In 2015 more than 33,500 Ohioans were homeless and 400,000 spent more than half their income on rent, but Governor Kasich's 2018-2019 budget doesn't do enough to meet Ohio's housing needs.

Mental Health and Addiction



Governor Kasich is issued new restrictions on pain killers and is investing \$20 million into addiction research. These aren't bad ideas, but what we really need in the middle of a public health crisis is resources for treatment.

Speaking Up in April: Policy Matters is out in our communities in April, discussing and fighting for good policy. Amy Hanauer runs a discussion on resistance at [Cleveland State's Women's Leadership Symposium](#) on 4/12; leads a reading on the [Cleveland Race Anthology](#) at Happy Dog - Euclid Tavern on 4/18; and debates a Buckeye Institute researcher on social policy at Capital University on 4/26; Daniel Ortiz speaks to Cleveland's Neighborhood Leadership Institute on 4/20; and talks transit at Services for Independent Living on 4/28; Victoria Jackson reviews education findings on [America's Workforce Radio](#) on 4/13; Our Columbus office will be out in force - Hannah Halbert, Wendy Patton and Kalitha Williams - for an Advocates for Ohio's Future [webinar](#) on work supports on 4/18; and Zach Schiller teams up with Hannah to tackle unemployment compensation (and how to save it) in a 4/19 [webinar](#). And those are just the public events! C'mon out and see us, or invite us if you want to learn more.

[Read this e-news online](#)



=A
=A

Policy Matters Ohio, Columbus, 43215, Cleveland, OH 44114

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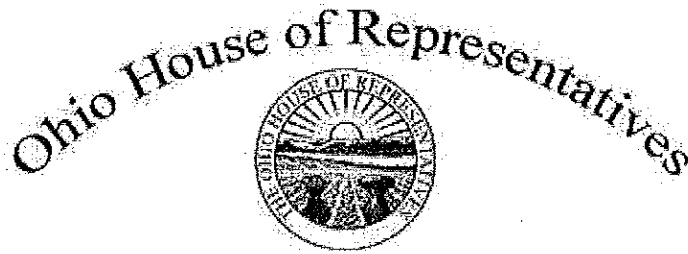
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From: Rosenberger, Cliff
Sent: Tuesday, April 11, 2017 8:33 AM
To: Rosenberger, Cliff
Subject: MEMO: 2017 ALEC Spring Task Force Summit
Attachments: ALECSpringTaskForce.pdf



Cliff Rosenberger
Speaker, Ohio House of Representatives

Memorandum

To: All House Republican Members
From: Speaker Cliff Rosenberger
Date: April 11, 2017
Re: 2017 ALEC Spring Task Force Summit

As many of you already know, the American Legislative Exchange Council is America's largest nonpartisan, voluntary membership organization of state legislators dedicated to the principles of limited government, free markets and federalism. Comprised of nearly one-quarter of the country's state legislators and stakeholders from across the policy spectrum, ALEC members represent more than 60 million Americans and provide jobs to more than 30 million people in the United States.

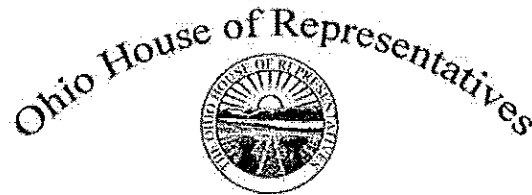
On May 5, 2017, ALEC will be hosting their Spring Task Force Summit, located in Charlotte, North Carolina. This one-day summit will give participants the opportunity to collaborate with legislative leaders from across the country on some of the following issues:

- Civil Justice

- Commerce, Insurance and Economic Development
- Communications and Technology
- Criminal Justice Reform
- Education and Workforce Development
- Energy, Environment and Agriculture
- Health and Human Services
- Tax and Fiscal Policy

I can personally attest to the benefit of working with leaders from across our great country to find solutions to common issues. If you are interested in joining ALEC and participating in the 2017 Spring Task Force Summit, I encourage you to visit their website at <https://www.alec.org/>.

If you have any questions or concerns, please do not hesitate to reach out to me or to Tyler Yapple in my office at Tyler.Yapple@ohiohouse.gov or 614-466-7959.



Cliff Rosenberger
Speaker, Ohio House of Representatives

Memorandum

To: All House Republican Members
From: Speaker Cliff Rosenberger
Date: April 11, 2017
Re: 2017 ALEC Spring Task Force Summit

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I can personally attest to the benefit of working with leaders from across our great country to find solutions to common issues. If you are interested in joining ALEC and participating in the 2017 Spring Task Force Summit, I encourage you to visit their website at <https://www.alec.org/>.

If you have any questions or concerns, please do not hesitate to reach out to me or to Tyler Yaple in my office at Tyler.Yaple@ohiohouse.gov or 614-466-7959.

From: Springhetti, Blake
Sent: Friday, June 2, 2017 10:29 AM
To: House_All
Subject: Co-Sponsor Request: Reduced Mandated Sick Days for Public Employees
Attachments: Co-Sponsor Request - Reducing Mandated Sick Days for Public Employees.pdf

Ohio House of Representatives



Representative Derek Merrin
47th District

MEMORANDUM

TO: All House Members
FROM: Representative Derek Merrin
DATE: June 2, 2017
RE: Co-Sponsor Request: Reduced Mandated Sick Days for Public Employees

I will soon introduce legislation to align public employees' sick day allotment with the standard allotment for state public employees.

State employees receive 10 sick days per year, while many local government employees receive an excessive 15 sick days per year (3 weeks). This legislation makes 10 sick days per year the standard across the board - impacting county, municipal, civil service township, school district, and university employees. This will help create fairness between state and local government employees. The bill contains a provision that restricts collective bargaining agreements from requiring local governments to provide more than the state mandated number of 10 sick days annually.

By forcing local governments/taxpayers to provide an excessive number of sick days, the state is driving-up local governments' costs. You will be hard pressed to find any private-

sector business that provides 15 sick days annually. Also, government employees receive additional, generous amounts of personal days and vacation leave. The legislature created this excessive mandate and it is time for us to fix it. Please join with me to support a reasonable standard and provide relief to our local governments.

If you would like to co-sponsor this legislation or have any questions, please contact my Legislative Aide, Blake Springhetti, at Blake.Springhetti@ohiohouse.gov or at (614) 466-1731 by **Tuesday, June 13**.

Sincerely,
Derek Merrin

Ohio House of Representatives



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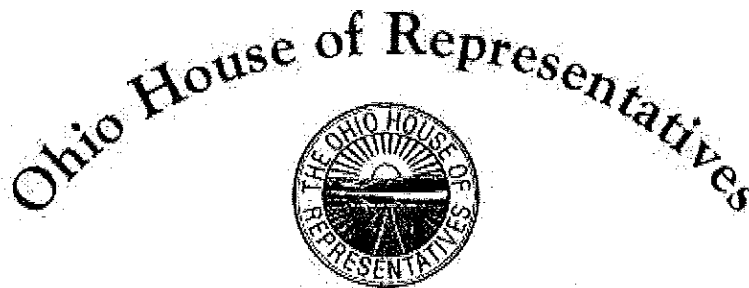
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Sincerely,
Derek Merrin

From: Springhetti, Blake
Sent: Tuesday, June 13, 2017 11:32 AM
To: House_All
Subject: EXTENDED: Co-Sponsor Request: Reduced Mandated Sick Days for Public Employees
Attachments: Co-Sponsor Request - Reducing Mandated Sick Days for Public Employees.pdf

The deadline to co-sponsor has been extended to **Tuesday, June 20 at 5pm!**



Representative Derek Merrin
47th District

MEMORANDUM

TO: All House Members
FROM: Representative Derek Merrin
DATE: June 13, 2017
RE: **EXTENDED: Co-Sponsor Request: Reduced Mandated Sick Days for Public Employees**

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Ohio House of Representatives



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Sincerely,
Derek Merrin

From: Ohio House Republican Communications
Sent: Monday, June 19, 2017 1:53 PM
Subject: GOP Week in Review 6/12/17 – 6/18/17



OHIO HOUSE OF REPRESENTATIVES

Majority Communications Department

GOP Week in Review

6/12/17 – 6/18/17

Columbus Dispatch: The Daily Briefing: Ohio Senate president talks insurance mandates at White House

He was joined by Sen. Steve Wilson, R-Maineville, Rep. Mark Romanchuk, R-Mansfield, and Rea Hederman Jr. of the Buckeye Institute.

Cincinnati Business Courier: Ohio dogs soon may get their day on restaurant patios

"I'm a huge animal advocate. There's a number of other states and municipalities that allow it. It's all over Europe," Lanese told me on Tuesday. "Why not allow restaurants to make the decision for themselves? They know their customers best."

Columbus Underground: New bill would allow dogs on restaurant patios

"This legislation gives businesses the freedom to decide for themselves whether or not to allow dogs on their patios," said State Representative Laura Lanese (R-Grove City), who sponsored the bill. "It is also a recognition of the importance of animals in our lives. We already have pet-friendly hotels, pet-friendly parks, and pet-friendly events. It's a good opportunity for marketing our state as pet-friendly for tourism purposes as many travelers want to bring their pets along with them while they travel."

WSYX: Lawmakers looking to allow dogs to dine at restaurants

The sponsor of the bill, Rep. Laura Lanese (R - Grove City) said she started working on the bill after hearing from several restaurant owners who had only recently learned they couldn't have dogs on the patio. She said she understands some people won't want to eat with dogs around.

Cleveland Plain Dealer: Ohio budget bill would expand wrongful conviction payouts

Rep. Bill Seitz, the Cincinnati Republican who sponsored the 2003 bill, said the court got it wrong. The legislature always intended procedural errors, regardless of when they occurred in the case, to make someone eligible for compensation.

WDTN: Ohio congressman hailed a hero for helping Scalise after Virginia shooting
"We're at a time in our country," Rep. Niraj Antani said. "Where we all just need to take a step back."

Youngstown Vindicator: As senior population grows, so, too, must commitment to elder-abuse prevention

Three months ago, State Rep. Wes Retherford, R-Hamilton, introduced House Bill 78, popularly known as the Elder Justice Act. It includes reforms to laws governing procedures of the JFS and Adult Protective Services in all 88 counties to better protect seniors from mistreatment.

The Daily Reporter: Lawmaker seeks tax credit to boost local voting

Rep. Steve Hambley, R-Brunswick, sponsor of House Bill 185, cited Ohio's non-presidential election turnout — 40.37 percent — as justification for his bill.

Perry Tribune: Representatives introduce legislation on right to carry for off-duty officers

State Representatives Larry Householder (R-Glenford) and Laura Lanese (R-Grove City) have introduced legislation to protect the right of off-duty peace officers to carry a concealed weapon.

Dayton Daily News: Backers want Ohio Aviation Hall of Fame at future monument site

State Rep. Rick Perales, R-Beavercreek, has introduced a bill establishing a nine-member board to oversee the Hall of Fame and a 2022 deadline for construction.

Daily Advocate: Guest column from Rep. Keith Faber: Old Glory withstands the changes of time

As public servants of this great nation, our loyalty to "Old Glory" is of the utmost importance; we must uphold the values it represents.

Richland Source: Guest column from Rep. Mark Romanchuk: Remembering the significance of the flag

To many, the American flag is the ultimate symbol of the values that our nation was built on—democracy, equality, freedom, and more. Every day, it flies above us, standing strong in the face of the adversities our nation encounters.

Times Reporter: Guest column from Rep. Al Landis: Legislation strengthens our families and communities

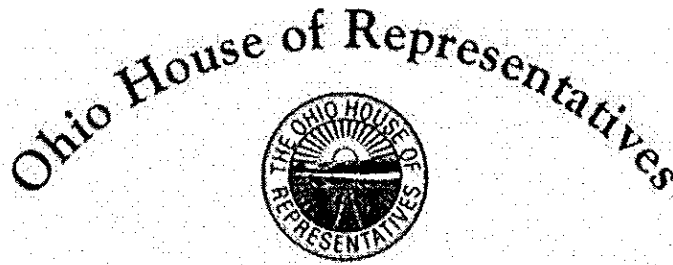
An important part of the success of the House Republican Caucus is to have a focused, member-driven policy platform that serves as the guiding principle behind priority

legislation. Earlier this year, our caucus unveiled the Buckeye Pathway, our policy agenda for the 132nd General Assembly.

News Journal: Guest column from Speaker Rosenberger: Wilmington's indeed split-tacular

A banana divided in two, topped with three scoops of ice cream, and finished with chocolate syrup, whipped cream, and a cherry. What could possibly be more delicious on a hot summer day? To us in Wilmington, what makes the banana split so special is that it was originally created right here in 1907.

From: Rep87
Sent: Friday, June 30, 2017 10:35 AM
To: GOP_All
Subject: Medicaid Expansion Enrollment Freeze Information
Attachments: Freeze Brief.pdf; We The People Convention Expansion Freeze Poll.pdf



Memorandum

To: House Republican Caucus
From: Representative Wes Goodman
Date: June 30th, 2017
Re: Medicaid Expansion Enrollment Freeze Information

I would first of all like to everyone who has offered their support to the Medicaid expansion enrollment freeze. As I said on this House floor, this is the most impactful action taken by any state to roll back and stop the Affordable Care Act, fulfilling promises we have all made to ensure a higher quality of care for all Ohioans. I thank you for your courage in joining me in the fight to ensure that our citizens are free to make their own healthcare choices, and that our Medicaid program is refocused on serving the truly vulnerable.

By now I am sure you have heard from detractors claiming that the freeze is not in the best interest of Ohioans. I encourage you to take a look at the following resources that support our decision and make clear that an expansion freeze is sound public policy.

- Attached: *Freeze Brief*, provides a general outline and talking points on the expansion freeze.
- Attached: *We the People Convention Expansion Freeze Poll*. This poll was taken yesterday, June 29th, and shows that 60.6% of all Ohioans and 81% of

all Republicans do NOT want Governor Kasich to line-item veto the expansion freeze.

- Articles by Buckeye Institute Executive Vice President Rea Hederman Jr, published in The Hill
 - Highlighting issues with the sustainability and level of care provided by Medicaid: <http://thehill.com/blogs/pundits-blog/healthcare/336600-medicare-doesnt-work-people-who-are-on-it-dont-have-better>
 - Highlighting and analyzing Ohio's role in "blazing the trail" on Medicaid reform: <http://thehill.com/blogs/pundits-blog/healthcare/339889-ohio-is-blazing-the-trail-on-healthcare-reform>
- National Review article analyzing the fallaciousness of the bombastic claim, "people will die!": <http://www.nationalreview.com/article/448952/obamacare-repeal-will-not-kill-thousands>
 - Note that this article is focuses on the claims being made about the Federal healthcare plans. This claim is even more detached from reality when used to decry our expansion freeze, which allows those currently covered to maintain coverage as long as they are eligible.
- Article by Foundation for Government Accountability VP of Research Jonathan Ingram, explaining how the expansion has drawn funding away from the truly vulnerable: <http://thehill.com/blogs/pundits-blog/healthcare/320620-freezing-obamacare-expansion-will-save-taxpayers-and-the-truly>
- Article by Foundation for Government Accountability Senior Fellow Sam Adolphsen, presenting evidence that the expansion may actually exacerbate the opioid crisis: <http://thehill.com/blogs/pundits-blog/state-local-politics/339892-want-to-end-the-opioid-epidemic-start-by-freezing>
- Poll from the Foundation for Government Accountability, showing that voters support freezing the Medicaid expansion: <https://thefga.org/wp-content/uploads/2017/03/National-MedEx-Freeze-Poll-1-23-17.pdf>
- An op-ed that I recently penned that was published by the Daily Signal: <http://dailysignal.com/2017/06/30/ohio-already-rolling-back-parts-obamacare-states-can/>

Thank you for your consideration. I look forward to joining you next week to override the Governor's veto, if need be.

Please feel free to contact me if you have any questions, or if I can be of assistance to you. My cell phone is (419) 210-0800 and I am available for questions anytime.

Sincerely,

Wes

Medicaid Expansion Freeze Brief

What the Freeze Does

- Prohibits the Medicaid program from covering the Group VIII (expansion) population beginning on July 1, 2018.
- Exempts those with diagnosed mental illnesses or drug addiction, allowing them to enroll after the freeze date.
- Allows those expansion enrollees enrolled by July 1, 2018 to maintain their coverage until they become ineligible or the enhanced federal medical assistance percentage (FMAP) for the Group VIII population is reduced by federal legislation.

Freezing expansion protects the truly needy

- Ohio's Medicaid waiting list enrollment sits at nearly 60,000. These are Ohioans with severe intellectual and developmental disabilities who aren't getting the care they need.
- Meanwhile, Ohio is spending billions on welfare for able-bodied (mostly childless) adults.
- Every penny spent on these adults is a penny that can't go to help Ohio's truly vulnerable.
- An enrollment freeze would immediately begin to make the truly needy a priority once again by moving able-bodied adults back to independence and freeing up limited resources for the vulnerable.

Freezing expansion protects taxpayers

- Ohio's Medicaid expansion has been overbudget since Day One.
- From January 2014 through March 2017, total expansion costs ran \$6.1 billion higher than originally projected in 2013 – an overrun of 94 percent. By the end of the year, that overrun will total a whopping \$8.3 billion.
- State taxpayers are now on the hook for 5% of these costs, with that share growing to 10% by 2020. Although the state has only been paying a share of the cost for a few months, the state's share has already run \$38 million over projections – an overrun of 125 percent. That overrun is projected to increase to \$145 million by the end of the year.
- Congress is poised to repeal the enhanced funding for expansion altogether. The House version of the American Healthcare Act (AHCA) would eliminate enhanced funding for new enrollees after 2020. The Senate version eliminates enhanced funding through a 3-year phase out, beginning in 2021.
- An enrollment freeze would stop the bleeding immediately, reducing costs and giving taxpayers much-needed relief. Based on the experiences in other states, freezing expansion enrollment at the end of the fiscal year will save between \$4.2 billion and \$5.5 billion over the next biennium. The state share of those savings would total between \$243 million and \$315 million.

Freezing expansion protects enrollees

- An enrollment freeze would allow current enrollees to stay on the program as long as they remain eligible.
- This avoids disruption for enrollees, allowing them to maintain enrollment until their situation improves enough that they can obtain insurance through the individual market or an employer.

Freezing expansion is politically popular

- A national 2017 poll found that voters support freezing Medicaid expansion enrollment by nearly two-to-one margins (53% to 33%).

Freezing expansion is practical and possible

- Other states have used enrollment freezes to unwind pre-ObamaCare expansions to childless adults and to unwind S-CHIP expansions.
- Freezes were previously approved by President Bush and President Obama.
- CMS can grant a waiver to allow states to freeze enrollment.
- CMS is set to release new guidance that will provide state options to freeze enrollment and reduce eligibility levels in the expansion.

Freezing expansion would have no effect on the drug addicted and mentally ill

- Mental health and addiction services accounted for only 5.62% of total expansion spending in 2016.
- Conference committee's version of the budget exempts individuals with mental health and drug addictions from the freeze, allowing them to enroll or reenroll past the freeze date of July 1, 2018.

Press Release

FOR IMMEDIATE RELEASE: Thursday, June 29, 2017

POLL SHOWS OHIOANS – ESPECIALLY REPUBLICANS – DEMAND MEDICAID EXPANSION FREEZE

Akron, OH – Tom Zawistowski, President of the We the People Convention announced the results of a statewide Ohio poll tonight concerning the Medicaid Expansion Freeze that was included in the Budget just passed on Wednesday by the Ohio House and the Ohio Senate. Contrary to polls put out by medical groups and others who benefit financially from Medicaid Expansion, the We the People Convention Poll shows that 60.6% of all Ohioans do NOT want Governor Kasich to line-item veto the Medicaid Expansion Freeze in the budget, which does not cut anyone's Medicaid benefits, but simply stops growing the program that is already \$7 Billion over budget. Furthermore, the survey showed that if Governor Kasich does line-item veto the Medicaid Expansion Freeze, a plurality of all Ohioans, 51.7% to 49.3%, said that they would want the Ohio House and Ohio Senate to reconvene next week and override the Governor's veto.

Since the state is controlled by Republicans and the Budget was pass with only Republican votes, all of them from Governor Kasich, to Spcaker Rosenberger and Senate President Obhof, and every Republican in the Ohio House and Ohio Senate, will get a very strong message from the poll results from their Republican voters. A total of 81% of Republican voters do NOT want Governor Kasich to line-item veto the Medicaid Expansion Freeze. Then an equally strong 68.5% of Republican voters want Republicans in the Ohio House and the Ohio Senate to Override the Governor's Veto if required.

Commenting on the poll, Zawistowski said, "Ohioans understand that Governor Kasich's Medicaid Expansion is simply unsustainable. We credit the Republican members of the Ohio House and Ohio Senate, and their leadership, for recognizing that someone has to stop Kasich before he bankrupts Ohio. While we in the TEA Party/Liberty movement believe that Medicaid Expansion should be ended – its not Medicaid it is welfare expansion – we were convinced that a first step of just stopping the growth of the program, without cutting anyone's benefits, was a "caring way" to take a first step as our Governor likes to say. We fully expect him to line-item veto the Medicaid Expansion Freeze because John Kasich sees no reason to ever stop giving other people's money away while pretending he cares so much about people – but never mentioning the tax payers who pay for all his misguided spending. Therefore, we also fully expect, and all Republicans should expect, all 59 House Members who voted for the budget with the Freeze in it on Wednesday, and ALL 7 members who did not vote for the budget, to join all 23 members of the Senate next Thursday, July 6th and impose some financial sanity on the Governor by overriding his veto and representing their constituents – particularly the tax payers in their districts who are paying the bill for this irresponsible and unnecessary spending."

This Ohio poll was conducted for the We the People Convention, Inc. by TRZ Communications Services, Inc. of Akron, Ohio which was the polling company that first predicted the Trump Ohio landslide victory in last year's Presidential election. This automated poll was conducted on Thursday, June 29, 2017 between 2:00 PM and 4:00 PM. The poll was designed to gather public opinion on the issue of Freezing Medicaid Expansion in Ohio. Calls were placed to 45,105 randomly selected voters from our data base of 4.5 million current land line phone numbers in Ohio. Of the 9,901 who answered our call, 625 respondents completed our automated poll, a 6.3% response rate. The poll has a margin of error of $\pm 4.0\%$ at the 95% confidence level. Demographically 26.99% of respondents vote Democrat, 29.6% vote Republican and 43% do not affiliate with any party. The gender breakdown was 57.68% women and 42.32% men. Results were gathered from 80 of the 88 Counties in Ohio. Every age group from 24 year olds to 90 year olds were surveyed.

Answer	Number	Percent	Republicans	Democrats	Independents
Veto the Freeze	246	39.4%	35 - 19%	90 - 52.3%	121 - 45%
Do NOT Veto the Freeze	379	60.6%	149 - 81%	82 - 47.7%	148 - 55%
Override the Veto	317	51.7%	126 - 68.5%	65 - 37.8%	126 - 46.8%
Do NOT Override the Veto	308	49.3%	58 - 31.5%	107 - 62.2%	142 - 53.2%



Source: <http://www.wethepeopleconvention.org/>

From: Health Policy Institute of Ohio
Sent: Thursday, July 6, 2017 6:01 AM
To: Alexander, Steven
Subject: Attend HPIO's forum "Linking health and wealth: How economic vitality can lead to healthier Ohioans"

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<h2>HPIO Forum</h2> <h1>Linking health and wealth: How economic vitality can lead to healthier Ohioans</h1>	
	<p>Dear Steven,</p> <p>In order to be healthy, we all need the opportunity to earn a sufficient income and live in affordable, safe housing. As providers, insurers and health departments increasingly are held accountable for improving population health, the need to address poverty and foster economic vitality becomes even more important. Policymakers often cite the need to improve our state's economic climate, however opinions on how to best accomplish this goal vary.</p> <p>This forum explores state policy options to improve health outcomes and health equity by increasing economic development, labor force participation and income mobility.</p>
<p>When Thursday, July 27, 2017 from 9:30 AM to 2:30 PM EDT Add to Calendar</p> <p>Where</p>	

**Ohio University Dublin
Integrated Education Center**

6805 Bobcat Way
Dublin, OH 43016

Speakers include:

- * **Anjum Hajar**, University of Washington School of Public Health
- * **David Norris**, Kirwan Institute for the Study of Race and Ethnicity
- * **David Lipsetz**, Housing Assistance Council
- * **Hannah Halbert**, Policy Matters Ohio
- * **Rea Hederman**, The Buckeye Institute
- * And more to be announced!

Lunch will be served (vegetarian options available)

Registration begins at 9:00, with program starting at 9:30.

The forum general attendance fee is \$65.

Register Now!

= A

HPIO has a limited number of PARTIAL scholarships available on a first-come, first-served basis. For more information, please contact Hailey Akah at hakah@hpio.net.

Sincerely,

Hailey Akah
Health Policy Institute of Ohio
hakah@hpio.net
614-545-0752

Health Policy Institute of Ohio, 10 W Broad St,
Suite 1050, Columbus, OH 43215

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OHIO REPORT MONDAY, AUGUST 7

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Collective Bargaining Consultant Contract Gets Controlling Board Approval

Seitz Plans To Push For Passage Of Death Penalty Exemption Bill This Fall

Supporters Hope Palliative Care Measure Gains Traction After Recess

Long-Awaited Federal Study To Protect Great Lakes From Asian Carp Released

Environmental Groups Question Rover Excuses For Fuel In Wetland Spills

Tavares Bill Aimed At Gender Pay Gap; Schiavoni Targets Charter Overpayments; Renacci, Pillich Announce Endorsements...

Casino, Racino Revenue Up Big In July

Gongwer Statehouse Job Market Updated

Supplemental Agency Calendar

Supplemental Event Planner

ACTIVITY REPORTS

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Senate

CALENDARS

Day Planner

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House Activity for Monday, August 7, 2017

INTRODUCED

HB 315 ■ **DAY DESIGNATION** (Arndt, S.) To designate October 6 as "S.M.A.R.T. Parent Day." En. 5.257

HB 316 ■ **PICNIC AREA NAMING** (Arndt, S., Stein, D.) To designate a picnic area in Kelleys Island State Park as the "Henry T. Beatty Memorial Picnic Area." Am. 1546.30

HB 317 ■ **TAX DEDUCTION** (Young, R.) To authorize, for six years, a personal income tax deduction for a physician based on the number of hours the physician provides uncompensated medical services through a hospital, free clinic, or nongovernmental medical organization. Am. 5747.01 and to enact section 5747.014

HOUSE SPEAKER'S APPOINTMENTS

Finance: Remove Representative Faber

Finance Subcommittee on State Government and Agency Review: Remove Representative Faber.

Public Utilities: Remove Representative Faber; appoint Representative Stein

Aging and Long Term Care: Appoint Representative Brown.

Armed Services, Veterans Affairs, and Homeland Security: Appoint Representative Brown.

Civil Justice: Remove Representative Sykes; appoint Representative Brown.

State and Local Government: Appoint Representative Brown.

Power Siting Board: Remove Representative Hagan; appoint Representative Carfagna

New African Immigrants Commission: Kefa Otiso and Beatrice Miringu

Ohio Public Works Commission: Dean Ringle

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Scott Miller, President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin Ensinger,
Jon Reed, Staff Writers

Click the  after a bill number to create a saved search and email alert for that bill.

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Daily Activity Planner for Tuesday, August 8

Legislative Committees

No legislative committees scheduled.

Agency Calendar

Board of Building Appeals, ODOT District Three Office, 906 Clark Ave., Ashland, 8:30 a.m.

Third Frontier Commission, Rev1 Ventures, 1275 Kinnear Rd., Columbus, 10 a.m.

House Speaker's Task Force on Alzheimer's and Dementia, Netzley Room, Statehouse, Columbus, 1 p.m.

Event Planner

National Conference of State Legislatures Legislative Summit, Boston

Sen. Bob Peterson (R-Sabina) and Sen. Troy Balderson (R-Zanesville) fundraiser, Mike and Samantha Hartley residence, 403 South Court Street, Circleville, 6 p.m., (\$1,000 Chair | \$500 Sponsor | \$250 Host | \$100 Supporter | \$75 per Couple | \$50 Individual to Peterson for Good Government and Troy Balderson for State Senator)

17 S. High St., Suite 630

Columbus Ohio 43215

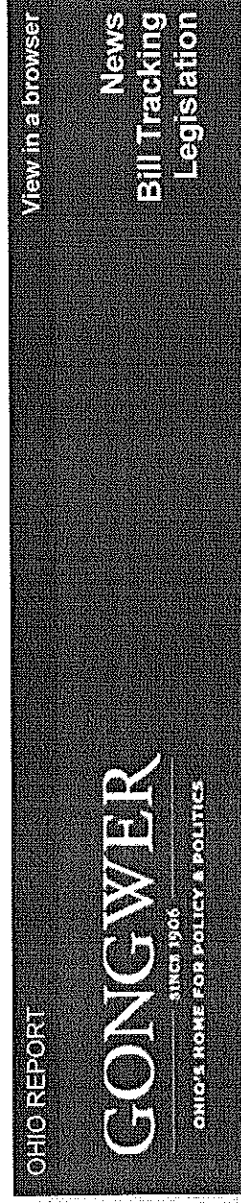
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Alexander, Steven

From: Gongwer News Service <gongwerreports@gongwer-oh.com>
Sent: Friday, July 06, 2018 5:59 PM
To: Alexander, Steven
Subject: Ohio Report, Friday, July 6, 2018
Attachments: Jul6.htm; 180706dayplan.htm; Jul9Schedule.htm; 180706plan.htm



OHIO REPORT FRIDAY, JULY 6

Payday Lending Proposal Slated For Rare Summer Action In Senate Next Week

State Touts Mental Health Parity With Managed Care Integration Of Behavioral Services

CAUV 'On the Road To Correction' Following Budget Changes, Group Says

Ed Board Expected To Debate, Vote On Third-Grade Reading Benchmark

Rover, FERC Staff Spar Over Land Restoration, Pipeline Operations

Public Comments Continue On State, Federal Lifeline Proposals

**'Sweeping' Changes In Store After Federal Regulators Reject PJM
Capacity Market Plans**

**Agency Briefs: Hurst To Replace Plouck At ODMHAS; U.S.
Unemployment Rate Up; OSHP; ODNR**

**Burke Blasts Cordray's Medicaid Comments; Soybean Group Sounds
Tariff Alarm; Boccieri Calls For More Local Funding**

**Case Remanded After Judge Cites Article In Sentencing; High Court
Denies Stay Of Execution; Buckeye Institute Weighs In On Case...**

**Portman Sets Sights On Deferred Park Maintenance; Dems Welcome
Pruitt's Exit; Ryan Tours Immigrant Facility**

Capitol Scene: Child Caring Group Updates Name

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GONGWER Ohio
The Record of Capitol Square Since 1906

Volume #87, Report #130 -- Friday, July 6, 2018

Payday Lending Proposal Slated For Rare Summer Action In Senate Next Week

An expected legislative break is being cut short for the Senate as the chamber is set to return next week to continue its work considering a contentious overhaul of short-term lending laws.

The payday lending bill (HB 123) is slated for consideration by the Senate Finance Committee Monday and Tuesday, if necessary. The measure is expected to come up before the full Senate Tuesday morning.

The Finance Committee meetings are expected to be the only committee action of the week.

John Fortney, spokesman for Senate President Larry Obhof (R-Medina), said amendments are expected Monday or Tuesday.

What that language will look like remains unclear.

The committee spent much of last week hearing testimony on the measure and weighing potential changes offered by Sen. Matt Huffman (R-Lima).

Backers of the original language, which would limit fees and interest rates and require repayment to be capped at 5% of the borrower's income, balked at proposed changes in the Senate. (See Gongwer Ohio Report, June 21, 2018)

Proponents, including the Pew Charitable Trusts, voiced openness to some changes, such as increasing the allowable loan sizes and rates, that would still preserve the overarching framework. (See Gongwer Ohio Report, June 25, 2018)

Sen. Matt Dolan (R-Chagrin Falls) said this week he had prepared amendments to that effect but wasn't sure whether the committee would work from the House-passed language or from a framework outlined by Sen. Huffman.

"My amendments were directed toward 123 based on what I heard in terms of testimony and in terms of what could help within the structure of 123 to increase the costs a little bit to help out the lenders," he said in an interview.

Those discussions have included increased rates and allowable fees, including raising the limit on what a borrower can be required to pay back to perhaps as high as 10% of their income, Sen. Dolan said.

"That would obviously increase the ability for the borrower to borrow more money," Sen. Dolan said. "We're trying to find that fine line."

Supporters of the initial language have said raising the 5% income limit to perhaps 7% or 8% would be acceptable, but 10% could be too high.

Sen. Huffman's proposals would create a framework around the total costs of installment loans, limiting those to a per diem rate based on the size and duration of the loan. He has said the proposal would

also cap the total principal amount a borrower could have out at any one time at \$2,500. (See Gongwer Ohio Report, June 26, 2018)

State Touts Mental Health Parity With Managed Care Integration Of Behavioral Services

With the July 1 carve-in of behavioral health services in Medicaid into managed care, the state says it is now compliant with a 2008 federal law requiring parity for mental health and addiction services.

The departments of Medicaid and of Mental Health and Addiction Services released a report examining compliance by managed care plans in providing parity in patients' access to those services.

The state was initially scheduled to show compliance in October 2017 but received approval from federal regulators to wait until the July 1 integration of behavioral health services into managed care. (See Gongwer Ohio Report, June 28, 2018)

"That gave us the opportunity to have our implementation dates be the same as our carve-in," Medicaid Director Barbara Sears said in an interview.

The behavioral health integration is a separate effort from the work toward parity, but the state decided to have those dates coincide because of the way it framed its plan with the federal Centers for Medicare and Medicaid Services, said Patrick Stephan, director of managed care for ODM.

"What we didn't want to do was have to go through the process twice," he said. "Had we not connected this with our integration of behavioral health services into managed care, we would've had to have done it on the fee-for-service side."

Parity means managed care plans will be prevented from having cumbersome prior authorization requirements, limits on service days or other restrictions on mental health services that aren't used on physical health services, Mr. Stephan said.

"At its core, this act requires us to make certain that within Medicaid, and in this case within the managed care plans' administration of the benefit, that we do not have qualitative or quantitative requirements on mental health services that are more stringent than what you would get on the physical side," he said.

Mr. Stephan said the move toward managed care will also help ensure patients' access to mental health services because plans are required to provide that access and can incentivize providers in order to achieve it.

"In the fee for service side, we had very little ability to encourage new providers into the market," he said. "On the managed care side, we have standards that the plans must meet, and if they don't, then they get fined, they get penalized."

Lori Criss, CEO of the Ohio Council of Behavioral Health and Family Services Providers, said parity is key but questioned whether the system has actually achieved the goal.

"Fully implementing and robustly enforcing the Mental Health Parity and Addiction Equity Act of 2008 is critically important to ensure that Ohioans can understand and access the health insurance benefits rightly available to them," she said in a statement. "While we appreciate Ohio Medicaid's compliance report, the analysis appears to lack sufficient detail to support its broad conclusion without review of the underlying assessment documents."

Moving forward, the state will have to ensure parity standards are met, she said.

"The real test will be how well Medicaid promotes transparency and holds the plans accountable for the law's requirements," she said. "The Ohio Parity at 10 Coalition looks forward to working with lawmakers and the administration to raise awareness of the law's benefits to Ohioans, their families and employers."

CAUV 'On the Road To Correction' Following Budget Changes, Group Says

Budget language aimed at alleviating increased costs from rising Current Agricultural Use Values are having their intended impact, the Ohio Farmers Union told state officials recently.

The Department of Taxation each year holds a public hearing in June to brief farmers and interest groups on the latest values and to gather feedback on the subject.

In recent years, the meetings have been the site of much angst as some farmers grapple with sharp increases. During the 2014 tax year, the high watermark, increases were seen as high as 400%. (See Gongwer Ohio Report, June 2, 2017)

"We had tremendous increase in the CAUV values going back to 2008," said Ted Finnarn, attorney for the organization. "Because of (the changes), the CAUV values have come down and are heading back down to where they should have been."

But the latest meeting came and went with little fanfare, with the union providing the only testimony and praising the recent changes.

"We're finally on the road to correction," Mr. Finnarn said in an interview. "By the 2020 cycle, the CAUV values will be down so farmers have more reasonable taxes."

Gloria Gardner, assistant administrator for the department, said the statewide average value for cropland came in at \$1,015 per acre for tax year 2018, down about 27% from 2015 values which were \$1,388. The values are updated every three years as counties undergo their appraisal process.

"The values are dropping pretty significantly due to some of the changes that were in House Bill 49 in 2017 and this is the second year of implementing those changes," Ms. Gardner said. "The woodland values are also coming down."

The budget changes, which originated in the Senate, modified the factors to be used in computing the values and placed a ceiling on the taxable value of CAUV land if it is also used for conservation purposes. The changes were phased across two stages over a six year assessment cycle.

"We sort of had a perfect storm - all of these things coming together - and we had extremely high values that were unwarranted and unfair and unprecedented," Mr. Finnarn said. "Now we're on the road to having more reasonable real estate taxes for farmers and woodland owners."

Not all parties were pleased with the budget changes, however. School groups expressed repeated concerns with how the changes might impact their districts, forecasting a 30% reduction in farming property values that would shift the burden onto other property owners.

Barbara Shaner, advocacy specialist for the Ohio Association of School Business Officials, said those fears continue.

"We're still sorting out the results of the most recent information from the tax department but we also think we won't see the full effect for a few more years because not all the counties have undergone their reevaluation," Ms. Shaner said. "We remain concerned and we'll continue to monitor the way it's turning out."

Ed Board Expected To Debate, Vote On Third-Grade Reading Benchmark

The State Board of Education is set to vote to increase the Third Grade Reading Guarantee promotion score next weekend at its monthly meeting.

A proposal to raise the benchmark students would need to meet on the Ohio State Test for third grade English and language arts from 672 to 677 was set for a possible vote by the panel's Achievement and Graduation Requirements Committee last month, but it ultimately delayed its decision. (See Gongwer Ohio Report, June 12, 2018)

The committee is once again scheduled to discuss the proposal at its 8:30 a.m. Tuesday meeting, with the full board expected to consider the resolution enacting the change later that day. The resolution is set for consideration as an emergency measure, so it would take effect before the start of the next school year.

The state board is required by law to review the third grade language arts benchmark and adjust it upward annually until it reaches 700, which indicates proficiency, according to a memo sent to committee members late last month by the Department of Education's legal staff.

Despite the requirement that the score increase, the committee balked at recommending the promotion score be set at 677 last month, with multiple members asking for more time to discuss the potential change with local school district officials.

District 4 board member Pat Bruns at the time said she was concerned raising the score could mean districts' improvements at teaching young readers would not be reflected in state report cards, sending a "false message" to community members.

An overview of the issue provided by ODE to the committee states that: "Because of the state law, the education community is expecting to see a modest increase in the promotion score. No one will be surprised by an increase."

ODE also argues the change in the overall language arts score from 672 to 677 corresponds to the smallest possible increase in the reading subscore, from 44 to 45.

"It is possible this change will not increase the number or percent of students who are retained. If there is a reduction in the number of students promoted, we would expect it to be small," the overview states.

At-large board member Laura Kohler, the committee's chairwoman, previously said she supports the plan to increase the benchmark to 677 because administrators and teachers have been preparing for it with increased aid from the state.

"We're looking at a different landscape than we were a couple of year ago with the supports that are in place," she said.

Subscriber's Note: The full agenda for the State Board of Education's Monday and Tuesday meeting is available online.

Rover, FERC Staff Spar Over Land Restoration, Pipeline Operations

Rover Pipeline operators, long at odds with state regulators, are now amping up their frustration with their federal overseers.

In recent missives, Rover Pipeline LCC blasted Federal Energy Regulatory Commission staff for what it considers the commission's failure to authorize full operation of a major section of the controversial project. (See Gongwer Ohio Report, June 1, 2018)

The lack of action on FERC's part has left Rover "more than a little baffled," wrote Rover Senior Vice President Chris Sonneborn. But FERC staff said the delays are prompted by Rover's failure to restore land impacted by the project by a June 30 deadline. The company in recent weeks has informed staff restoration efforts are likely to continue until "at least" July 30.

According to Rover, FERC staff in May authorized service to commence on a main segment of the pipeline called Supply Connector Line B. But in doing so, staff withheld granting in-service authorization for two laterals pending further review.

"As a result of staff's inaction, significant volumes of natural gas have been unable to flow on pipeline facilities that have been completed for nearly a month," Mr. Sonneborn wrote. "This is unfortunate, because...the incremental natural gas supply that would have been available to flow would have been used to offset the large deficit the nation is facing to replenish storage inventories in preparation for the 2018-2019 heating season...."

Failure to act soon, the company claims, is outside "the public interest." But FERC declined to be persuaded by the company's comments. Staff instead responded with a formal notice directing the company to complete outstanding restoration activities at those two Ohio sites.

"Because restoration of these facilities was not complete at the time of in-service authorization, Rover committed to completing the remaining restoration activities by specific dates," wrote John Wood, FERC's deputy director of the Office of Energy Projects. "However, commission staff monitoring certificate compliance believes that rover will be unable to meet a number of those commitments...."

As a result, staff directed Rover to take "prompt and immediate action" and to file prior to July 9 a detailed account of why the company cannot adhere to the agreed upon timetable.

"Neither the commission nor its staff takes lightly a pipeline's commitments to restore and rehabilitate affected lands," Mr. Wood said. "Accordingly, the commission expects pipelines to follow through on their commitments to restore and rehabilitate land and other resources disturbed by the construction of a certificated pipeline."

In response, Mr. Sonneborn issued a second letter this week leveling further attacks, accusing FERC staff of making "several inaccurate statements" toward the project and the company's willingness to fulfill its land restoration commitments.

"For the record, and as Rover has stated previously in this docket on numerous occasions, Rover will honor and meet all of its restoration commitments - whether those are scheduled to occur before or after Rover is fully in service," Rover wrote. "Any implication to the contrary is simply untrue."

Rover now is also accusing FERC staff of "a fundamental misunderstanding" of how the restoration process works.

"A company can supply ample resources, equipment, and personnel to restoration efforts; however, the variable of weather, and therefore the pace of restoration, is simply outside of any pipeline's control," Rover wrote. "There is no amount of planning or resources that can change the reality that on any major pipeline project there are always going to be changes to the restoration schedule due to events outside of the pipeline's control."

The company's public pushback accusing FERC of stating falsehoods is much like the back-and-forth Rover has engaged in with the Ohio Environmental Protection Agency. Rover and the OEPA have engaged in a months-long back and forth with Rover accusing OEPA of cooperating with the company in private but taking an adversarial approach in public.

That tiff ultimately led to a lawsuit filed by the state, which Rover and several other defendants have filed to dismiss. (See Gongwer Ohio Report, March 5, 2018)

Public Comments Continue On State, Federal Lifeline Proposals

Stakeholder groups and citizens are continuing their efforts to thwart state and federal proposals that would eliminate in whole or in part a federal discount program for low-income customers.

At the state level, AT&T is proposing to discontinue its participation in the federal Lifeline program - which grants eligible customers a \$9.25 monthly credit - in areas in which another provider operates that service.

But the Public Utilities Commission of Ohio has yet to approve that plan and in recent days has urged the public to weigh in via written feedback.

Meanwhile, the Federal Communications Commission is weighing a similar but more far-reaching plan that would largely eliminate the resource for a swathe of customers across the country. (See Gongwer Ohio Report, February 23, 2018)

In the PUCO case, comments have been submitted from a handful of citizens as of Friday, each urging the commission to deny AT&T's plan and maintain the program.

Several commenters described themselves as licensed social workers working with elderly populations. Others are customers who benefit from the program and who labeled the company's attempt to cut it "indefensible" and "abhorrent."

AT&T, for its part, has emphasized that no Ohio customer will lose voice service through the move but will instead receive it at the standard rate. Customers are free, it said, to receive the Lifeline discount from other providers in those areas.

The move "will have only a nominal impact on Ohio consumers who have demonstrated a clear preference for obtaining their Lifeline discount from (companies) other than AT&T," the company said. "Over the past eight years, AT&T has seen its own Ohio Lifeline subscribership shrink by 94%."

Advocates, though, caution the move would strip vulnerable Ohioans of a valuable resource. The Ohio Consumers' Counsel and the Greater Edgemont Community Coalition are among those protesting the idea. In part, they've urged commissioners to solicit public input and take the federal case into consideration. (Docket)

In the federal case, the Federal Communications Commission is proposing changes critics say will erect more barriers for Lifeline consumers nationwide. There are about 608,000 total subscribers in Ohio, according to proponents of the program.

The PUCO and the Ohio Consumers' Counsel are among parties that have submitted comments in opposition to the federal proposal.

Under the proposed changes, eligible consumers must enroll online first through a third-party verifier and then through a specified carrier. Currently, the customer can enroll directly through their provider.

Proponents of the Lifeline program this week were denied a stay in the case when regulators determined the parties were unlikely to prevail on the merits and would not suffer irreparable injury.

In response, Q Link, the nation's third-largest Lifeline provider, on Thursday filed an emergency motion that if approved would enact additional changes to enable carriers to collect customer information directly from the third-party verifier.

Q Link serves about 40,000 Lifeline customers in Ohio. Sixty-seven percent reside in rural or suburban areas and 82% are new to Lifeline, which the company said indicates they were previously unserved by and may not have access to other providers.

"The...proposed change will be unnecessarily difficult and confusing for consumers," said Q Link CEO Issa Asad in a statement. "Beyond the impact on rural Americans, which will be significant, the new system's failure to include automated links with carriers will unnecessarily cost taxpayers tens of millions of dollars."

'Sweeping' Changes In Store After Federal Regulators Reject PJM Capacity Market Plans

Federal regulators voted along party lines recently to toss aside two proposals from PJM Interconnection to revamp the capacity market, paving the way for a potentially drastic shake up in the months ahead.

PJM in April submitted two competing proposals for FERC's consideration on how to best overhaul the market. But in the end, the commission's 3-2 order went far beyond simply rejecting the proposals and instead paves the way for what one dissenting commissioner labeled "sweeping" changes for the grid operator that serves 13 states. (See Gongwer Ohio Report, May 7, 2018)

In short, the commission determined subsidies for renewable and nuclear sources have rendered PJM's current tariff "unjust, unreasonable and unduly discriminatory" in that it fails to ensure adequate competition. FERC is now proposing to expand the minimum offer price rule - which enacts a screening process to gauge the competitiveness of new resources - among other changes.

"We find...the PJM Tariff allows resources receiving out-of-market support to significantly affect capacity prices in a manner that will cause unjust and unreasonable and unduly discriminatory rates in PJM regardless of the intent motivating the support," the majority wrote. "We are compelled...to conclude that out-of-market payments by certain PJM states have reached a level sufficient to significantly impact the capacity market clearing prices and the integrity of the resulting price signals on which investors and consumers rely to guide the orderly entry and exit of capacity resources."

Stakeholder groups in Ohio and beyond are still parsing the details of the 106-page order, but they have a short timetable to digest its ramifications. After the 60-day comment window, parties have 30 days for reply comments after which FERC wants to reach a solution.

PJM issued a statement stating its pleasure that FERC is taking action.

"The order appears to be a positive step to change competitive electric market design while recognizing the important role states play in influencing the resource mix through retail energy policies," according to PJM. "We will begin work immediately to develop the kind of bifurcated capacity construct envisioned by the commission and actively engage stakeholders, including the states, within the timetable laid out by the commission."

But FERC's two Democratic members issued scathing dissents regarding the substance of the order and the timeline laid out by the majority.

"Let's be clear: through its action today, the majority signals its intent to adopt, through a 90-day paper hearing, the most sweeping changes to the PJM capacity construct since the market's inception more than a decade ago," Commissioner Cheryl LaFleur wrote in her dissent. "If ultimately adopted, this proposal would fundamentally rebalance the resource adequacy responsibilities of the states, the commission, and PJM."

Commissioner Richard Glick said the commission in its order "entirely fails" to demonstrate its claims the market is unjust and further criticized the timeline.

"Requiring interested parties to decipher today's order, develop testimony, gather evidence, and meaningfully respond within 60 days is irresponsible," he said. "On top of that, this short timeframe essentially guarantees that PJM will not be able to work with the states to develop a proposal that aligns with state policies."

Agency Briefs: Hurst To Replace Plouck At ODMHAS; U.S. Unemployment Rate Up; OSHP; ODNR

Dr. Mark Hurst will replace Tracy Plouck as director of the Department of Mental Health and Addiction Services next week as Ms. Plouck, a longtime administration official, leaves for the private sector.

Gov. John Kasich announced Dr. Hurst's appointment Friday. He will take over the department effective July 13.

Ms. Plouck has been in Gov. Kasich's cabinet since 2011 and has twice served as state Medicaid director. She also served as deputy director in the Department of Developmental Disabilities and the Office of Budget and Management.

"I'm extremely grateful to Tracy Plouck for her leadership, compassion, counsel and service to Ohio," Gov. Kasich said. "She has a servant spirit and exemplifies the best in public leadership. She is a model for other leaders to follow and I wish her and her family all the best in this new chapter of their lives."

Dr. Hurst has served as medical director at ODMHAS since 2012 and has been at the department since 1993.

"Dr. Hurst's leadership, insights and compassion have distinguished him as a valuable member of our team and contributed mightily to the progress Ohio is beginning to make against addiction and to lift up our fellow Ohioans struggling with mental illness," Gov. Kasich said in a statement. "I appreciate that he's agreed to take on this responsibility. The work ahead is monumental and the challenges will continue to shift, but his leadership has been-and will continue to be-an enormous asset in Ohio's efforts in these areas."

Unemployment: The U.S. added 213,000 jobs in June despite a loss of jobs in retail trade, but the unemployment rate rose to 4% as more people re-entered the labor force, the Bureau of Labor Statistics reported Friday.

The unemployment rate rose by 0.2 percentage points to 4% as the number of unemployed people rose by nearly 500,000 to 6.6 million, the BLS reported.

The overall labor force grew significantly, rising by 601,000, with the labor force participation rate rising 0.2 percentage points to 62.9%, the report said.

The survey found job gains of 50,000 for the month in professional and business services. Manufacturing employment grew by 36,000, mostly in durable goods manufacturing, including fabricated metal products (+7,000), computer and electronic products (+5,000) and primary metals (+3,000).

Motor vehicles and parts manufacturing bounced back from a loss of 8,000 jobs in May with a gain of 12,000 in June, the report found.

Health care employment was up 25,000 for the month, construction was up 13,000 and mining was up 5,000.

Retail trade lost 22,000 jobs, a month after seeing a gain of 25,000 in May.

State Highway Patrol: The patrol reported eight people were killed in four deadly crashes during the Fourth of July reporting period Tuesday and Wednesday. Impairment was a factor in at least one of the deadly crashes.

During last year's reporting period, from June 30 to July 4, there were 21 fatal crashes that killed 21 people, including eight OVI-related crashes, the patrol said.

Troopers made 296 impaired driving arrests and 276 arrests on drug charges. They responded to 297 crashes and assisted more than 2,000 motorists.

"When someone chooses to drive impaired the consequences can be deadly," Patrol Superintendent Col. Paul A. Pride said in a statement. "That's why troopers make OVI enforcement a priority, whether they're patrolling during a holiday weekend or any time of day. Motorists should always pre-plan a sober way home."

Natural Resources: The department's officers and partnering agencies issued 102 citations and 895 warnings last weekend during Operation Dry Water, a nationwide crackdown on impaired boating.

There were three boating-related fatalities in Ohio during the weekend, the ODNR said.

ODNR officers and partners contacted 3,500 boaters on 1,261 vessels for various violations during the crackdown.

The Division of Oil and Gas Resources Management reported that 2,840 permits had been issued for drilling in the Utica shale as of June 30, with 2,370 wells drilled and 1,904 in production.

Burke Blasts Cordray's Medicaid Comments; Soybean Group Sounds Tariff Alarm; Boccieri Calls For More Local Funding

A lawmaker on Friday accused Democratic gubernatorial candidate Richard Cordray of either lying about or not understanding the issue of Medicaid expansion.

Sen. Dave Burke (R-Marysville), who chairs the Senate Health, Human Services & Medicaid Committee, accused Mr. Cordray of twice in the past week saying that 26,000 children could be impacted if Medicaid expansion were rolled back.

However, Sen. Burke said in a statement that the expansion covers only childless adults.

"Richard Cordray continues to make Medicaid expansion a key part of his campaign for governor, but his statements over the past week prove he does not understand Ohio's Medicaid program. Cordray's comments in the media show he is either unprepared to be governor, or that he is willing to blatantly lie and use fear tactics to scare Ohioans into voting for him," he said.

"Medicaid comprises over 50% of Ohio's annual budget. If Richard Cordray doesn't understand such a key part of the state budget, then Ohioans simply cannot trust him to sit in the governor's office. Richard Cordray is making promises, and this week he's proven to us that that he doesn't know how he would keep them, even if he wanted to."

In response, the campaign of Mr. Cordray cited a 2016 report from the Georgetown University Center for Children and Families that credited Medicaid expansion for 26,000 children gaining insurance coverage from 2013-2015.

Tariff Concerns: The Ohio Soybean Association is sounding the alarm about retaliatory tariffs China has placed on American soybeans. The tariffs kicked in Friday in response to tariffs enacted by the Trump Administration that same day on an array of Chinese goods.

The group in a statement said 61% of all soybean exports go to China, which accounts for about \$14 billion annually in sales.

"This doesn't only hurt Ohio farmers, it will hurt the entire Ohio economy," said Allen Armstrong, OSA president and soybean farmer from Clark County. "We continue to believe that solutions can be found that do not involve tariffs and a trade war that will hurt all of rural America."

Local Funding: A new report by the Brookings Institute has led to a renewed call for more local government funding.

The report found that from 2010-2017, three Ohio cities ranked in the top 20 in population decline: Youngstown (19), Toledo (12) and Cleveland (5).

Rep. John Boccieri (D-Alliance) in a statement called for additional funding for local governments to stem the tide of population loss.

"You can push the responsibility of raising revenue to the lowest layers of government while sending more and more to state government," he said. "As elected officials, we have a duty to work together to get things done - regardless of who is in charge."

Case Remanded After Judge Cites Article In Sentencing; High Court Denies Stay Of Execution; Buckeye Institute Weighs In On Case...

A federal district court judge erred in doubling a man's sentence after citing a Cleveland.com article on opioid overdoses, the Sixth Circuit Court of Appeals ruled recently.

Marcus Fleming in July 2016 was pulled over by Canton police and found to be carrying nearly 1,000 grams of cocaine.

Based on federal sentencing guidelines, the prosecution recommended five years in prison for Mr. Fleming.

However, at the sentencing hearing Judge John Adams cited the article before handing down a 10-year sentence.

Mr. Fleming argued he was prejudiced by the use of the article because he did not know it would be cited at the sentencing hearing and he was not provided an opportunity to address the issues raised.

The Sixth Circuit agreed, finding the sentence was rendered in a procedurally unreasonable manner.

"The district court's consideration of information about mixed cocaine-opioid overdose deaths was a surprise because, before the sentencing hearing, there was no indication that opioids were relevant to this case, let alone that they would play a prominent role. Fleming was convicted for possession of cocaine, not opioids," Judge John Rogers wrote in the court's decision.

"Nothing in the record suggested that opioids were found in Fleming's car, or that Fleming had ever sold or possessed opioids, or even that any cocaine Fleming sold had ever been mixed with opioids. Of course, opioids have been a topic of grave public concern in recent years, as their devastating and tragic effects have been felt across the country. But it was far from apparent that they were relevant to Fleming's sentence for possession of cocaine."

Judge Rogers was joined by Judge Raymond Kethledge and Judge Damon Keith in his decision.

The case is remanded back to the district court for sentencing.

Stay Denied: The Ohio Supreme Court has declined to stay the execution of a man set to be put to death this month.

In a unanimous ruling the court declined to stay the July 18 execution of Robert Van Hook.

He is on death row after being convicted of the 1985 murder of David Self.

Judicial Deference: The Buckeye Institute has filed an amicus brief in a case that could end judicial deference to executive agencies' interpretations of the law.

"The practice of courts relying on agencies to interpret the law has proven to be dysfunctional, inconsistent with our constitutional system, and has led to the erosion of individual liberties," President and CEO Robert Alt said in a statement. "It is time for the Supreme Court to junk *Chevron*."

Disciplinary Proceedings: The Board of Professional Conduct announced that 12 cases have been certified for formal disciplinary proceedings.

Portman Sets Sights On Deferred Park Maintenance; Dems Welcome Pruitt's Exit; Ryan Tours Immigrant Facility

U.S. Sen. Rob Portman (R-Terrace Park) is among a bipartisan group of senators aiming to tackle about \$12 billion in deferred maintenance within the National Park Service.

He joined with senators Mark Warner (D-VA), Lamar Alexander (R-TN), and Angus King (I-ME) to introduce the Restore Our Parks Act, which has earned support from Secretary of the Interior Ryan Zinke, the National Parks Conservation Association, the Pew Charitable Trusts' Restore America's Parks Campaign and the Outdoor Industry Association.

"For more than a century, the National Park Service has been inspiring Americans to explore the natural beauty of our country," Sen. Portman said in a statement. "But in order to keep that work going, we need to ensure that they have the right resources to maintain our national parks. This bill will create the Legacy Restoration Fund to provide the National Park Service with funds for deferred maintenance projects."

The legislation would provide more than \$100 million in funding for work at parks and historic sites in Ohio. The vast majority of the funding would go toward improvements at two sites: Perry's Victory and International Peace Memorial in Put-in-Bay (\$47.7 million) and Cuyahoga Valley National Park in Cuyahoga and Summit counties (\$45.8 million).

Resignation: Democratic members of Ohio's congressional delegation had no kind words for U.S. EPA Administrator Scott Pruitt following his resignation Thursday.

"Scott Pruitt used taxpayer dollars to benefit himself while working to gut Lake Erie cleanup and the Renewable Fuel Standard and the Ohio jobs that depend on them," U.S. Sen. Sherrod Brown tweeted. "He never should have been confirmed in the first place, and it's past time for him to go."

U.S. Rep. Tim Ryan (D-Niles) issued a brief statement in response to the departure: "It's about time."

U.S. Rep. Joyce Beatty (D-Blacklick) simply tweeted "Byeeeeee!" with a link to a media report about Mr. Pruitt's resignation.

Immigration: Rep. Ryan and three of his U.S. House colleagues from Michigan on Thursday received a tour of Bethany Christian Services' facility in Grand Rapids and learned about the organization's plans to reunite immigrant children with their families.

Rep. Ryan in a statement called the Trump administration's policy of separating children from parents at the U.S.'s southern border "state sponsored abuse."

"Children are traveling by themselves or with their loved ones to avoid violence and danger in their country, and they fled to the United States to find safety and security. They are doing what any responsible parent would do," he said. "But when they arrive at our border, the Trump Administration turns its back on our values and rips children away from their parents - with zero plan to bring them back together."

Hearing: Sen. Brown and Sen. Portman will conduct a field hearing of a congressional committee charged with solving looming pension problems next week at the Statehouse.

The House and Senate Joint Select Committee on Pensions will meet at 2 p.m. next Friday at in the Finan Hearing Room. The hearing will allow panel members to receive testimony from Ohio workers and retirees who could be affected if Congress fails to take action.

Multiple plans Ohioans participate in, including the Central States Teamsters Pension Plan, the United Mine Workers Pension Plan, the Ironworkers Local 17 Pension Plan, the Ohio Southwest Carpenters Pension Plan and the Bakers and Confectioners Pension Plan "are currently on the "brink of failure," according to a news release from Sen. Portman's office.

The committee, which has 16 members appointed by House and Senate leadership, has been tasked with reporting a bill to resolve the issue by the end of November.

Capitol Scene: Child Caring Group Updates Name

The advocacy group formerly known as the Ohio Association of Child Caring Agencies has renamed itself the Ohio Children's Alliance, it was announced Friday.

The change, the group said, reflects the changing environment for child and family services.

"Our new name is more representative of our mission and the composition of our statewide network of community agencies," said Mark Mecum, the group's CEO. "Over the past five decades, our association has grown to over 70 community agencies that provide behavioral health, foster care, and other child and family services. We've also evolved into an alliance that fosters collaboration and innovation. Our new name symbolizes our commitment to Ohio's children and the agencies that serve them."

The organization was founded in 1973.

Governor's Appointments

State Dental Board: Tracy Intihar of Columbus to the for a term beginning July 6, 2018, and ending April 6, 2021.

Public Benefits Advisory Board: Dasmine Wright of Columbus for a term beginning July 6, 2018, and ending June 30, 2021.

Ohio Turnpike and Infrastructure Commission: Guy C. Coviello of Youngstown for a term beginning July 6, 2018, and ending June 30, 2023.

Ohio Arts Council: Darryl D. Mehaffie of Greenville, Farid Naffah, MD of Cortland, and Neal F. Zimmers, Jr., JD of Granville have been reappointed to the for terms beginning July 6, 2018, and ending July 1, 2023.

Supplemental Agency Calendar

Tuesday, July 10

Radioactive Materials Committee, 35 E. Chestnut St., Basement Training Room A, Columbus, 10:30 a.m.

Friday, July 13

Board of Voting Machine Examiners, 17th Fl., 180 E. Broad St., Columbus, 10 a.m.


Supplemental Event Planner

Monday, July 9

Release of June casino revenue figures, 1:30 a.m.

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Daily Activity Planner for Saturday, July 7-Monday, July 9

Legislative Committees

Monday, July 16

Senate Finance (Committee Record) (Chr. Oelslager, S., 466-0626), Finance Hearing Rm., 3 p.m.

HB 123 **LENDING LAWS** (Koehler, K., Ashford, M.) To modify the Short-Term Loan Act, to specify a minimum duration requirement for loans made under the Small Loan Law and Mortgage Loan Law, and to limit the authority of credit services organizations to broker extensions of credit for buyers. (6th Hearing-All testimony-Possible amendments & vote)

Agency Calendar

Monday, July 9

State Board of Education, 25 South Front St., Columbus, 8:30 a.m.

Controlling Board, North Hearing Rm., Senate Bldg., Columbus, 1:30 p.m.

Event Planner

Monday, July 9

Release of June casino revenue figures, 1:30 a.m.

Rep. Gary Scherer (R-Circleville) golf outing fundraiser, Cooks Creek Golf Club, 14065 U.S. Rt. 23, S. Bloomfield, 11 a.m., (11 am registration; 12 pm shotgun)

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Legislative Committee Schedules beginning 7/9/2018

Monday, July 9

Senate Finance (Committee Record) (Chr. Oelslager, S., 466-0626), Finance Hearing Rm., 3 p.m.

HB 123 **LENDING LAWS (Koehler, K., Ashford, M.)** To modify the Short-Term Loan Act, to specify a minimum duration requirement for loans made under the Small Loan Law and Mortgage Loan Law, and to limit the authority of credit services organizations to broker extensions of credit for buyers. (6th Hearing-All testimony-Possible amendments & vote)

Tuesday, July 10

Senate Finance (Committee Record) (Chr. Oelslager, S., 466-0626), Finance Hearing Rm., 9 a.m.

- If needed

HB 123 **LENDING LAWS (Koehler, K., Ashford, M.)** To modify the Short-Term Loan Act, to specify a minimum duration requirement for loans made under the Small Loan Law and Mortgage Loan Law, and to limit the authority of credit services organizations to broker extensions of credit for buyers. (7th Hearing-Possible amendments & vote)

Senate Rules & Reference (Committee Record) (Chr. Obhof, L., 466-7505), Majority Conf. Rm., 10 a.m.

Senate Session (Committee Record) (Chr. Obhof, L., 466-4900), Senate Chamber, 11 a.m.

Thursday, July 12

Ohio Retirement Study Council (Committee Record) (Chr. Schuring, K., 228-1346), Rm. 121, 10 a.m.

Managed Long-Term Services and Supports Study Committee (Chr. Burke, D., 000-0467), Senate Finance Hearing Rm., 10 a.m.

- Providers and consumers of MyCare services will be invited to share their perspectives on MyCare Ohio along with Q & A (100 minutes); Quality Measures Data from Department of Medicaid (20 minutes)

Monday, July 16

Joint Committee on Agency Rule Review (Committee Record) (Chr. Uecker, J., 644-6030), Senate Finance Hearing Rm., 1:30 p.m.

NOTE: Click bill or resolution number links to see the legislative history compiled by Gongwer News Service. Click the after a bill number to create a saved search and email alert for that bill. Click "Full Text" if present to view the text of legislation on the Legislature's Web site.